S. HRG. 98-122

CHILD KIDNAPING

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING INQUIRING INTO THE PRIORITIES AND PRACTICES OF THE FBI IN CHILD KIDNAPING CASES

FEBRUARY 2, 1983

Serial No. J-98-3

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

20-051 O WASHINGTON : 1983

S521-56

COMMITTEE ON THE JUDICIARY

STROM THURMOND, South Carolina, *Chairman*

CHARLES McC. MATHIAS, JR., Maryland
JOHN L. LAXALT, Nevada
ORRIN G. HATCH, Utah
ROBERT DOLE, Kansas
ALAN K. SIMPSON, Wyoming
JOHN P. EAST, North Carolina
CHARLES E. GRASSLEY, Iowa
JEREMIAH DENTON, Alabama
ARLEN SPECTER, Pennsylvania

JOSEPH R. BIDEN, JR., Delaware
EDWARD M. KENNEDY, Massachusetts
ROBERT C. BYRD, West Virginia
HOWARD M. METZENBAUM, Ohio
DENNIS DECONCINI, Arizona
PATRICK J. LEAHY, Vermont
MAX BAUCUS, Montana
HOWELL HEFLIN, Alabama

VINTON DEVANE LIDE, *Chief Counsel and Staff Director*
DEBORAH K. OWEN, *General Counsel*
SHIRLEY J. FANNING, *Chief Clerk*
MARK H. GITENSTEIN, *Minority Chief Counsel*

SUBCOMMITTEE ON JUVENILE JUSTICE

ARLEN SPECTER, Pennsylvania, *Chairman*

JEREMIAH DENTON, Alabama
CHARLES McC. MATHIAS, JR., Maryland

HOWARD M. METZENBAUM, Ohio
EDWARD M. KENNEDY, Massachusetts

BRUCE A. COHEN, *Chief Counsel*

CONTENTS

STATEMENTS OF MEMBERS

	Page
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania, chairman, Subcommittee on Juvenile Justice	1
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah	14

CHRONOLOGICAL LIST OF WITNESSES

Hawkins, Hon. Paula, a U.S. Senator from the State of Florida	2
Burton, Helen, Breckenridge, Tex., mother of Ryan Burton	17
Walsh, John, Hollywood, Fla., father of Adam Walsh	26
Papesh, Frank, Bedford Heights, Ohio, father of Tiffany Papesh	37
Revell, Oliver B., Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, accompanied by Drew Clark, Unit Chief, Personal Crimes Unit	66
Simon, Hon. Paul, a U.S. Representative in Congress from the State of Illinois	88

ALPHABETICAL LISTING AND MATERIALS SUBMITTED

Burton, Helen:	
Testimony	17
Ryan Nicole Burton—missing person	18
Hawkins, Hon. Paula:	
Testimony	2
"J. E. Hoover Heads New Crime Bureau," from the New York Times, July 30, 1933	2
Title 18—Crime and criminal procedure—section 1201. Kidnaping	5
Questions submitted by Senator Specter to the Department of Justice, June 15, 1982, with responses	7
"Theft Baffling," from the Tampa Tribune, June 28, 1977	10
Papesh, Frank:	
Testimony	37
Prepared statement	43
Tiffany Papesh—missing person	46
Letter to Mr. and Mrs. Frank Papesh, from D. Lowell Jensen, Assistant Attorney General, Criminal Division, by Philip T. White, Acting Deputy Assistant Attorney General, May 1, 1981	47
"Aching Parents Fret: Where Is Our Little Girl?" from the Plain Dealer, June 15, 1980	48
"Police Suspend Search for Missing Girl, 8, in Maple Heights," from the Plain Dealer, June 16, 1980	48
"Father's Gift Is Unopened as Family Waits for T.J.," from the Cleveland Press, June 16, 1980	49
"Disappearance of Tiffany Still Puzzles Police," by Mary Jane Snyder	50
"$50,000 Is Offered for Clues on Tiffany," by Gloria Millner	51
"In 4 Minutes, Tiffy Would Have Been Home," by Wally Guenther	52
"Ransom Note, Hair Get FBI Into Tiffany Case," from the Plain Dealer, June 20, 1980	53
"Daily Torture of Wondering," by John P. Coyne	53
Tiffany's father plans search for missing girl	54
No new clues found in search	55
"A Family Waits, Birthday Comes for Tiffany," from the Cleveland Press, July 1, 1980	56
Posse of hundreds fails to turn up a trace of Tiffany	57

Papesh, Frank—Continued
"She Went on an Errand and Never Returned," from Front Page Detective ... Page 58
Revell, Oliver B.:
Testimony ... 66
Prepared statement ... 84
Simon, Hon. Paul:
Testimony ... 88
Maureen Cooke—missing person ... 89
Prepared statement ... 91
Walsh, John:
Testimony ... 26
Adam Walsh—missing person ... 27
Letter to Hon. John J. LaFalce, House of Representatives, from Charles P. Monroe, Assistant Director, Criminal Investigative Division ... 30

APPENDIX

Director of FBI to all FBI field offices: Personal attention kidnaping matters; personal crimes program ... 95
Letter from Charles P. Monroe, Assistant Director, Criminal Investigative Division, to Mrs. Betty DiNova, codirector, DEE Scofield awareness program ... 97
Michael Woodward—missing person ... 98
Neely Shane Smith—missing person ... 99
Shannon Ketron—missing person ... 100
Denise Gravely—missing person ... 101
"Roosevelt Orders War on Kidnaping by Federal Forces," from the New York Times, July 27, 1933 ... 101
"Federal Warfare Against Kidnaping Widens Its Range," from the New York Times, July 30, 1933 ... 103
"Asks Federal Aid in Drive on Crime," from the New York Times, Jan. 6, 1934 ... 105
"Organized Kidnap Gangs Are on the Defensive," from the New York Times, November 4, 1934 ... 107

CHILD KIDNAPING

TUESDAY, FEBRUARY 2, 1983

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee convened, pursuant to notice, at 9:35 a.m., in room 6228, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Hawkins.

Staff Present: Mary Louise Westmoreland, counsel, Subcommittee on Juvenile Justice: Jay Howell, Terri Parker, Irving Soloway, Connie Winter, Office of Senator Hawkins.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. We will begin this hearing on the issue of child kidnaping. This is a hearing which reflects substantial investigative and staff work by Senator Hawkins' Subcommittee on Investigations and Oversight from last year and by this Subcommittee on Juvenile Justice. It is an inquiry into the priorities and practices in this very important field.

The FBI was formulated some 50 years ago for several purposes, one of which was child kidnaping cases, and there is a real question as to the procedures used, whether there is a necessity for a ransom demand, whether there must be proof of interstate transportation, what the priorities are.

Our staffs have questioned witnesses in some 25 separate cases, compared the procedures of the FBI in child kidnaping cases with procedures of the FBI in cases of lost race horses as a mode of comparing the issue of value of commodities taken, the question of interstate commerce.

We have three parents here today to testify, and testimony from the FBI official who is responsible in this area.

We are privileged to have as our leadoff witness this morning a Senator who has contributed enormously in this field, who spearheaded legislation last year on missing children, and who has been very active in the work that has been done as a background to this investigation on child kidnaping, and she will join me on the panel when she concludes her testimony.

I welcome the distinguished Senator from Florida, Hon. Paula Hawkins.

STATEMENT OF HON. PAULA HAWKINS, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator HAWKINS. Thank you, Senator Specter.

I really appreciate the opportunity to appear before you in this hearing this morning. During this entire last year, we have had great interest in common, and have worked hand-in-hand with your Subcommittee on Juvenile Justice. Your concern personally and your commitment to the cause of missing children is a matter of record, and is appreciated by parents and children everywhere.

The hearing that you scheduled for today on the manner in which the Justice Department and the Federal Bureau of Investigation develop policies and practices regarding the investigation of the disappearance of young children, is a vital step forward in our efforts to address this tragedy.

A headline in the New York Times on July 30, 1932, reads: "Hoover Heads New Crime Bureau. The New Division of the Justice Department Will Conduct Nationwide Warfare Against Racketeers, Kidnappers, and Other Criminals." That was dated 1932. So began the Federal Bureau of Investigation and its war on kidnaping. It is now some 50 years later, and I am deeply concerned that we may be losing the war.

[The following was submitted for the record:]

[From the New York Times, July 30, 1933]

J. E. HOOVER HEADS NEW CRIME BUREAU

WASHINGTON, July 29.—J. Edgar Hoover, chief of the Justice Department's Bureau of Investigation, was appointed by Attorney General Cummings today as director of the Division of Investigation created by the President's executive order of June 10.

This new division will include the present bureaus of investigation, identification and prohibition, effective Aug. 10. John S. Hurley, assistant prohibition director, was named assistant head of the division.

No reference was made in the official announcement to Major A. V. Dalrymple, chief of the Prohibition Bureau. Speculation immediately developed as to whether he would be retained in some capacity or dropped. The department refused to shed light on the subject other than to say other changes in connection with consolidations would be announced later.

Mr. Hoover succeeded the late William J. Burns. He was appointed a clerk in the Department of Justice in July, 1917. When Mr. Burns retired in May, 1924, former Attorney General Stone promoted Mr. Hoover to be acting director. He was appointed director in the following December.

DALRYMPLE OPPOSED REPEAL

Frequent reports have been circulated that Major Dalrymple will retire from the service, after a short but eventful service. His first conference with the newspaper correspondents developed an unpleasant situation and some of his actions were not approved by the Attorney General. Before a Congressional committee he opposed immediate repeal of the Eighteenth Amendment at a time when President Roosevelt and his advisers were urging prompt action.

The new division of the Justice Department will conduct the nation-wide warfare against racketeers, kidnappers and other criminals.

ORGANIZED WORLD CRIMINAL BUREAU

John Edgar Hoover was the youngest man to ever head the Bureau of Immigration, being only 30 when he was appointed director.

Mr. Hoover first served as an assistant to Attorney General Mitchell Palmer. In this capacity he handled the legal end of the deportation of radicals. He had charge of the government cases against Emma Goldman, Alexander Berkman and Ludwig Martens, Soviet Ambassador to the United States.

Senator HAWKINS. The criminal abduction of young children has become an all too familiar tragedy, visited upon countless homes and communities throughout our entire country.

The cases that we are going to address today do not involve the kidnaping of a child by his or her parents. Today we are examining 10 cases involving the disappearance of children 9 years of age or younger. Too often, the consequences of such cases are severe. Families are destroyed, law enforcement professionals are frustrated, and an awful sense of fear grips the hearts of every community in which these tragedies occur.

The frontline of defense against such kidnaping has always been the diligence of local law enforcement agencies. In the vast majority of cases, the investigation of kidnaping cases has been left to local or State police agencies. Their limited authority and their severely restricted resources have been sorely tested by this most unusual of crimes. At various times during our Nation's history, the resources of the FBI have come into play in the efforts to reduce the epidemic levels of kidnaping that were plaguing this country. In 1932, the original Federal kidnaping statute become law. It is the basis of Federal jurisdiction which allows the special agents of the FBI to become actively involved in a kidnaping case.

For the past several months, our own Senate investigators have been engaged in a study of the policies and practices of the Department of Justice and the FBI in regard to the disappearance of very young children. An examination was made of some 25 cases throughout the country. All but one of the children kidnaped in those cases were 9 years of age or younger. An examination of this evidence shows uncertain FBI investigation. In some cases, the Bureau conducted an active investigation—in most cases, it does not.

We must make the record clear that the FBI does do extensive investigation and exemplary work in some cases of this type. I was impressed and encouraged with the work the FBI did in the case of Etan Patz, who disappeared from his New York home in May of 1979 and who is still missing. Julie and Stan Patz have often expressed to us their appreciation for a thorough investigation that still continues.

The same is true for the investigative work done by the Bureau in the case of Tara Burke, who was 3 when she was kidnaped from Concord, Calif. in February 1982. Tara was found and returned safely to her home in December.

Unfortunately, we found many situations where no active investigation was ever conducted.

Parents of murdered and missing children, local police officials, and even our own investigators have been given various reasons as to why the FBI would not be able to undertake an investigation in a particular case. Many have been told that the Bureau cannot become actively involved in a particular case because no ransom demand had been received.

I have reviewed the statute, the Federal kidnaping law, and can find no such requirement for a ransom demand before the Bureau can actively investigate the case.

Others have been told that it is necessary for there to be actual proof that a child has been taken in interstate commerce before

the FBI can launch an investigation. My reading of the Federal kidnaping statute reveals a clear presumption that a victim has been taken in interstate commerce after he or she has been gone for 24 hours.

[The following was received for the record:]

Title 18

Crimes and Criminal Procedure

§ 1201. Kidnaping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

(1) the person is willfully transported in interstate or foreign commerce;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101 (36) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(36)); or

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title,

shall be punished by imprisonment for any term of years or for life.

(b) With respect to subsection (a) (1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a)(4) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38)).

(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

As amended Oct. 24, 1972, Pub.L. 92–539, Title II, § 201, 86 Stat. 1072; Oct. 8, 1976, Pub.L. 94–467, § 4, 90 Stat. 1998; Nov. 9, 1977, Pub.L. 95–163, § 17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub.L. 95–504, § 2(b), 92 Stat. 1705.

Senator HAWKINS. Some have been told, as John Walsh, of Hollywood, Fla., who is with us today, that before the FBI could become involved in his son's disappearance that there had to be proof that 6-year-old Adam had been, in fact, abducted. And yet, the Senate's investigation revealed few individuals at any level of law enforcement who would seriously maintain that the disappearance of a child 9 years old or younger is anything but an abduction, until proven otherwise.

In fact, in written testimony before this same subcommittee in June of last year, the Department of Justice assured Senator Specter that in the case of a child of very tender years, in many cases an abduction can be presumed. We can find little evidence of this policy finding its way into FBI practice.

[Questions submitted to the Department of Justice, June 15, 1982, by Senator Specter, with responses follow:]

U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUN 15 1982

Honorable Arlen Specter
Chairman
Subcommittee on Juvenile Justice
United States Senate
Washington, D. C.

Dear Mr. Chairman:

This is in response to the Subcommittee's letter of April 12, 1982 requesting written answers to certain questions to supplement the record of the April 1, 1982 hearing on Exploited and Missing Children.

Question:

I understand that the Department of Justice is in favor of establishing an unidentified dead file but wishes to study the pilot project in Colorado for an additional period of time.

a) How long do you intend to study this project?

Answer:

In June, 1981, the National Crime Information Center (NCIC) Advisory Policy Board accepted an offer of the State of Colorado to test the unidentified dead file concept for a period of two years. In August, 1981, the Colorado Bureau of Identification (CBI) began receiving unidentified dead reports from criminal justice agencies nationwide. The pilot project will terminate in July, 1983, with final study evaluations being completed in October, 1983.

b) Exactly what do you hope to accomplish by this additional study?

Answer:

The pilot project is to determine the need, feasibility, utilization, cost projections and degree of automation that would yield the most efficient method of creating and maintaining a national unidentified dead file. Additionally, the study will aid in determining the degree of data standardization that would be necessary to implement a file of this type on a national basis.

c) Does the Department believe that the procedures used in the Colorado project are the most effective means of identifying dead bodies?

Answer:

The Colorado project incorporates identification data which would provide an inquirer with possible lead information. Until completion of the pilot project, it would be somewhat presumptuous to state that the Colorado project is the most effective. It should be pointed out that the Colorado file is an index/pointer file only and does not, at present, contain complete reports, photographs, location of the remains, etc. The file does contain a detailed description of the remains including clothing, jewelry, etc. Its value will depend on the completeness of the data submitted and on the degree of participation. It is anticipated that additional automation of data in the file would perhaps be necessitated. The degree of automation will be determined upon completion of the pilot.

d) Does the Colorado project rely upon autopsy information to identity these bodies or upon teletype information submitted by law enforcement agencies?

Answer:

The Colorado project receives an unidentified dead report which is completed by an agency describing the unidentified remains. This report would not always include autopsy information, but could if such information was available.

e) Isn't autopsy information much more reliable?

Answer:

An autopsy is generally performed on a dead body to determine the cause of death. However, information resulting from an autopsy may provide more precise physical characteristics of the remains. It should be emphasized that even though precise autopsy information may assist in identification of a dead body, actual physical evidence found by the investigator, i.e., personal articles, clothing, etc., may facilitate a more expeditious identification of the deceased.

f) Has the Department consulted the California State Department of Justice, who has administered their own identification system since 1979?

Answer:

Yes. In addition to Colorado, the states of California, New Jersey and Arizona have been contacted with reference to their systems utilized for identifying unknown deceased. Additionally the Canadian Police Information Center (CPIC), the United States Army and other professional forensic pathologists and odontologists have furnished views and provided input to the proposal of establishing a national unidentified dead file.

Question:

Does the Department feel that missing children are really a domestic problem more appropriately handled by local law enforcement?

Answer:

In our view, the investigation of missing children complaints is primarily the responsibility of local law enforcement agencies. Given the large number of youngsters that run away from home each year, the routine involvement of the FBI

in every reported disappearance would seriously diminish its effectiveness in genuine kidnaping episodes. As a matter of policy, however, every reported disappearance, in which the circumstances indicate that an actual abduction has taken place, is afforded an immediate preliminary investigation to determine if a full investigation, under the Federal kidnaping statute, is warranted.

Question:

What specific role does the Department of Justice envision for the FBI in the problem of missing children?

Answer:

As indicated in our previous response, the FBI will undertake an immediate preliminary investigation of a missing child complaint, if the child is missing under circumstances indicating that an actual abduction has taken place. With regard to children of very tender years, however, we believe that, in many cases, an abduction may be assumed, so as to warrant an immediate preliminary investigation by the FBI. In addition, the FBI will continue to operate the NCIC missing person file to assist state law enforcement agencies in their investigations of missing and runaway children.

Question:

If a young girl, say six years old, is abducted and is missing for several days, should the FBI take an active role in the investigation?

Answer:

In any abduction situation, regardless of the age of the victim, the FBI will undertake an immediate preliminary investigation to determine if a full investigation, under the Federal kidnaping statute, is warranted. Furthermore, in any abduction situation, the failure to release the victim within 24 hours creates a rebuttable presumption, under the Federal kidnaping statute, that the victim has been transported in commerce. In such a situation, a full FBI kidnaping investigation may be undertaken.

Question:

For each individual convicted under 18 U.S.C. 2251-2253 and 2422 through 2423, please provide the sentence imposed.

Answer:

By letter dated April 29, 1982, the Criminal Division furnished the Subcommittee with information concerning sentences imposed on individuals convicted of distributing child pornography. This information includes sentences for conviction under 18 U.S.C. § 2252 and other available statutes. This data, however, does not include sentences imposed on individuals convicted under 18 U.S.C. §§ 2422 and 2423. We are attempting to retrieve such data, and we will furnish the Subcommittee with a report of the results of our search.

Question:

The FBI has stated that it has initiated 48 investigations involving violations of 18 U.S.C. §§ 2251-2253 and the amended section of title 18 U.S.C. § 2423 and that as a result of these investigations twenty-three individuals have been

convicted in United States District Court. If more funds were allocated to such investigations, is it likely that a greater number of individuals would have been prosecuted?

Answer:

We have been informed by the FBI that since enactment of 18 U.S.C. §§ 2251-2253 and the amendment of 18 U.S.C. § 2423, the Bureau has developed expertise in the investigation of child pornography and related offenses, including the development of a profile of persons involved in such activity and an understanding of their clandestine subculture. It is difficult to assess whether more individuals would have been prosecuted if additional funds had been allocated for investigations conducted since enactment of these statutes. It should be noted that within the FBI's current Organized Crime Program, child pornography investigations receive a high priority. With the expertise developed to date regarding the clandestine subculture of violators of these statutes, future efforts should be more successful in the fight against this kind of criminal activity which threatens the children of this country.

I hope the foregoing information will be of some assistance to you.

Sincerely,
(Signed) Robert A. McConnell

Robert A. McConnell
Office of Legislative Affairs

Senator HAWKINS. Even when there is evidence that a child has actually been abducted, we frequently do not find an actual FBI investigation. Little Maureen Cooke was 6 years old when she was lured away from her schoolyard by an unknown female. The abduction was witnessed. A month later, Maureen's body was found in a drainage ditch. In the meantime, there was no FBI investigation. In fact, Maureen was never even listed in the missing persons section of the FBI's national file.

I sincerely believe that it is in keeping with both the letter and the spirit of the Federal kidnaping statute that the FBI become actively involved in the investigation of the disappearances of young children. The Bureau has the resources, the communications network, and the experience to be able to contribute significantly to the search for missing children.

The kind of investigation we are seeking did occur when Fanfreluche, 10, disappeared from her home in Kentucky. The FBI became immediately involved in the case, bringing in special agents from 2 States and several field offices to participate in a successful search to locate her. She was found, still in the State of Kentucky, and was returned to her home. Fanfreluche was a racehorse who was in foal to Triple Crown winner, Secretariat. FBI spokesmen at the time stated that they were investigating and assuming that they had jurisdiction because of the value of the horse.

[The following were submitted for the record:]

[From the Tampa Tribune, June 28, 1977]

THEFT BAFFLING

LEXINGTON, KY.—State and federal investigators reported few leads and still no known motive yesterday for the apparent theft of Fanfreluche, a 10-year-old mare in foal to Triple Crown winner Secretariat.

The Canadian-owned mare, who because of the foal was valued at an estimated $500,000, disappeared Saturday from Claiborne Farm in nearby Paris, Ky.

"The initial leads were very, very few. 'Scant' would be a better word," said State Police Maj. Algin Roberts in Frankfort.

Roberts said nothing was being taken for granted. He cautioned against assuming that the horse was being held for ransom.

She could have been stolen by a "rational" thief, or thieves, who knew she was in foal and exactly where to find her, Roberts said.

On the other hand, he said. "It could be that someone just saw the horse in the field. There's always that possibility."

The horse was only recently in foal and would not have been obviously pregnant.

Fanfreluche, the Canadian horse of the year and North American champion filly as a 3-year-old in 1970, apparently was hauled away in a waiting horse van Saturday evening, officials said.

"She was taken from a field and you can see where the fence was cut and she was taken out. Then she was led down a hedgerow to where they cut another fence," said Claiborne Farm owner Seth Hancock, who syndicated Secretariat and 1972 Kentucky Derby and Belmont Stakes winner Riva Ridge.

Hancock would not speculate on the possibility of a ransom demand. But he said the abductors could never hope to breed Fanfreluche or race her foal.

"The mare's absolutely worthless to them without the papers," Hancock said. The mare has been in foal for two months, Hancock said.

The FBI was trying yesterday to determine where a federal crime had been committed.

"We are investigating and assuming we have jurisdiction because of the value of the horse," said FBI spokesman Bill Cheek in Louisville. "If we never prove there was interstate travel, then, of course, it's a local matter."

The incident also would be a federal crime if a ransom call were received from out-of-state, even if Fanfreluche never left Kentucky, Cheek said.

Fanfreluche was sired by 1964 Kentucky Derby winner Northern Dancer and earned over $238,000 in her career.

Her most distinguished offspring had been L'Enjoleur, two-time Canadian horse of the year.

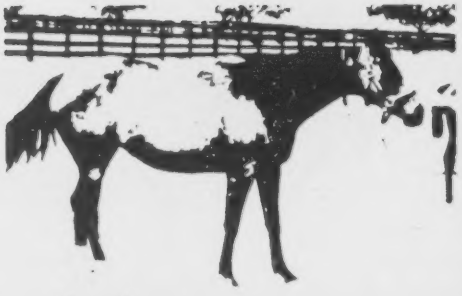
Claiborne Farm is well known as a thoroughbred breeding farm, with more than 40 barns and hundreds of horses.

The mare is owned by Canadian horseman J. L. Levesque. His son Pierre says Fanfreluche was not insured because her "book value is minimal. On paper, she is worth only the stud fee, perhaps $50,000."

But he said the mare's value is enhanced by the foal and that Fanfreluche has sentimental value.

Secretariat has been in stud in the Lexington area siring race horses since he won the Triple Crown in 1973.

Fanfreluche



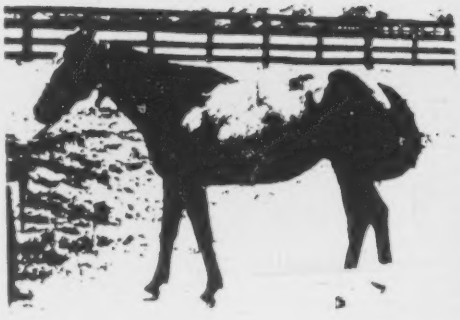
THE Kentucky State Police, who are working with the FBI in investigation of the theft of Fanfreluche, have issued the accompanying photographs of the mare. Fanfreluche was stolen from Claiborne Farm (The *Blood-Horse* of July 4, page 2844).

The state police issued the following notice:

"On Saturday, June 25, 1977, a Thoroughbred mare in foal (two months) was stolen from Paris, Bourbon County, Kentucky. Mare valued at $500,000.

"Description of mare: 10 years old, bay color, tattoo inside upper lip "W12991," white star center forehead, left and right rear ankles have white stockings, black spots on both rear coronets, and 16 hands high. Was wearing brown leather halter with brass plate bearing name FANFRELUCHE.

"Anyone having any information, please contact the Kentucky State Police, Dry Ridge, Ky., 41035, telephone 606-428-1212."



(Fanfreluche.—On the afternoon of Saturday, June 25, 1977, Fanfreluche, a thoroughbred mare, carrying the foal of Triple Crown winner, Secretariat, was stolen from a pasture on the Claiborne Farm in Paris, Kentucky. The Kentucky State Police and the Federal Bureau of Investigation began their intensive investigation immediately. On December 8, 1977, Fanfreluche was found alive and well in Tompkinsville, Kentucky. She had been found by a family while she was wandering down a country road. The family re-named her "Brandy" and kept her as a family pet. FBI agents from Kentucky and Tennessee as well as officers of the Kentucky State Police participated in Fanfreluche's recovery.)

Senator HAWKINS. Our concern today is that the same diligent efforts and assumptions be brought to bear in the search for kidnaped children.

Thank you.

Senator SPECTER. Thank you very much, Senator Hawkins. We very much appreciate your comments and hope you will join us on the panel now.

At this time, without objection, we will enter the statement of Senator Hatch.

[The prepared statement of Senator Orrin G. Hatch follows:]

20-051 O - 83 - 2

SENATOR ORRIN G. HATCH
STATEMENT ON CHILD KIDNAPPING & VICTIMIZATION
FEBRUARY 2, 1983

I WOULD LIKE TO THANK THE JUDICIARY COMMITTEE FOR BEGINNING HEARINGS ON THE TRAGEDY OF CHILD KIDNAPPING AND VICTIMIZATION. THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES HAS ESTIMATED THAT 1.8 MILLION CHILDREN DISAPPEAR EACH YEAR. A SIGNIFICANT NUMBER DO NOT LEAVE OF THEIR OWN ACCORD. IN FACT, LAST YEAR THE FEDERAL BUREAU OF INVESTIGATION APPROXIMATED THE NUMBER OF CHILDREN ABDUCTED BY STRANGERS TO BE 50,000.

STATISTICS DO NOT DISAPPEAR, BUT CHILDREN DO. I HAVE REPEATEDLY ASKED MYSELF HOW WE IN CONGRESS CAN OVERCOME THE COMMUNITY SHOCK AND SADNESS FELT OVER THE DISAPPEARANCE, VICTIMIZATION, AND SENSELESS DEATH OF INNOCENT CHILDREN. CONSIDER, FOR EXAMPLE, THE DEATH OF RACHEL RUNYON, A THREE-YEAR OLD GIRL FROM MY HOME STATE OF UTAH. RACHEL WAS PLAYING ON HER SCHOOL GROUND WHEN A MAN APPROACHED HER, AND ENTICED HER AWAY WITH CANDY. AFTER A MONTH LONG SEARCH, RACHEL'S MANGLED BODY WAS FOUND. WHAT TORTURE SHE MUST HAVE ENDURED. WHAT HEARTBREAK HER FAMILY AND FRIENDS FELT, UNAWARE OF WHERE THEIR HELPLESS CHILD MIGHT BE, OR OF WHAT HELP SHE MIGHT NEED. AS MORE AND MORE CHILDREN LIKE RACHEL RUNYON ARE VICTIMIZED, THE NIGHTMARE OF MISSING CHILDREN HAS BEEN BROUGHT TO THE FOREFRONT OF NATIONAL CONSCIOUSNESS.

IN RESPONSE TO INCREASED PUBLIC AWARENESS, PRESIDENT REAGAN SIGNED INTO LAW THE "MISSING CHILDREN'S ACT." I WAS PLEASED TO COSPONSOR THIS LEGISLATION WHOSE CHIEF ADVOCATE WAS SENATOR HAWKINS (R-FL). THE MAIN COMPONENT OF THE LAW GIVES PARENTS THE RIGHT TO INSIST THAT THEIR MISSING CHILD'S RECORDS ARE INCLUDED IN THE FBI'S COMPUTERIZED REGISTER AND DISTRIBUTED TO LOCAL LAW ENFORCEMENT AGENCIES THROUGHOUT THE COUNTRY.

DURING ITS HEARINGS ON THE "MISSING CHILDREN'S ACT," THE COMMITTEE LEARNED THAT UNDER CURRENT LAW ONLY 10 TO 14 PERCENT OF THE MISSING CHILDREN IN THIS COUNTRY ARE ENTERED INTO THE NATIONAL CRIME INFORMATION CENTER'S (NCIC) MISSING PERSONS FILE. WHILE IMPLE-

MENTATION OF THE NEW LAW WILL EXPEND THE AVAILABILITY OF THE NCIC, THE LISTING WILL STILL ONLY BE ON A VOLUNTARY BASIS. WE FURTHER LEARNED THERE IS A LACK OF AWARENESS AND EVEN AN UNWILLINGNESS ON THE PART OF LOCAL LAW ENFORCEMENT AGENTS TO USE THE SYSTEM. THIS NEW FEDERAL LAW IS A STEP IN THE RIGHT DIRECTION, BUT IN ADDITION, WE SHOULD EXPLORE POSSIBLE METHODS TO ENSURE THAT THE STATE AND LOCAL LAW ENFORCEMENT AGENCIES WILL USE THIS NEW TOOL IN THEIR EFFORTS TO LOCATE MISSING CHILDREN.

I HAVE YET ANOTHER CONCERN: THAT OF ENCOURAGING AN ACTIVE FRAMEWORK OF CONCERN AND AWARENESS WITHIN OUR COMMUNITIES--WITHOUT FEDERAL INTERVENTION. THE INITIATIVES TAKEN BY MANY CITIZENS IN UTAH--LAW ENFORCEMENT AGENCIES, PRIVATE ORGANIZATIONS, AND INDIVIDUALS IN THE STATE OF UTAH ARE WORTHY EXAMPLES TO ALL COMMUNITIES.

UTAHNS WERE JARRED INTO ACTION BY THE OCCURENCE OF SOME TRAGIC INCIDENCES WHICH SHOCKED OUR ENTIRE NATION. TELEVISION DOCUMENTARIES AND NEWS AND MAGAZINE ARTICLES HAVE DETAILED UTAH'S MISSING CHILDREN CASES. THE CITIZENS OF UTAH, FACED WITH THIS UGLY REALITY HAVE BEGUN TO FIGHT BACK, AND I WOULD LIKE TO DESCRIBE SOME OF THEIR EFFORTS.

AS PART OF A CONTINUING CHILD PROTECTION EFFORT, THE UTAH PARENT AND TEACHERS ASSOCIATION SWANG INTO ACTION BY DUSTING OFF UNUSED CHILD PROTECTION PROGRAMS TO BE PRESENTED IN THE SCHOOLS BY LOCAL LAW ENFORCEMENT AGENCIES. THEY REINSTATED A "PARENT WATCH" TO PATROL STREETS DURING THE HOURS WHEN CHILDREN WERE GOING TO AND FROM SCHOOL. WITH THE ASSISTANCE OF THE UTAH ASSOCIATION OF WOMEN, THE P.T.A. PROMOTED "MCGRUFF HOUSE" POSTERS TO BE PLACED IN WINDOWS TELLING A CHILD IN TROUBLE THAT HE CAN ENTER THAT HOUSE FOR REFUGE AND HELP.

THE UTAH ASSOCIATION OF WOMEN ORGANIZED GROUPS OF WOMEN TO LOBBY THE UTAH STATE LEGISLATURE FOR STRONGER KIDNAPPING LEGISLATION. PARTIALLY BECAUSE OF THIS GROUP'S ENCOURAGEMENT, THE STATE DEPARTMNET OF PUBLIC SAFETY HAS RENEWED INTENSIVE TRAINING OF POLICE IN KIDNAP RECOVERY PROCEDURES AND IS DEVELOPING AN EXTENSIVE ROAD-BLOCK AND COMMUNICATION SYSTEM.

THE SCOPE OF CONTRIBUTORS IS IMPRESSIVELY BROAD, AND I HAVE ONLY MENTIONED A FEW EXAMPLES. PROGRAMS AIMED AT PREVENTING CHILD

KIDNAPPING AND LOCATING THOSE THAT ARE LOST, HAVE SUCCEEDED WITH OUTSTANDING COMMUNITY SUPPORT, AND WITHOUT FEDERAL INTERVENTION.

THE CASE OF RACHEL RUNYON WAS EVENTUALLY SOLVED - BUT ONLY AFTER THREE-YEAR OLD RACHEL WAS DEAD. HER SMALL, BADLY DECOMPOSED BODY WAS FOUND IN AN ISOLATED CANYON CREEK BED. HOWEVER, THE DISAPPEARANCE OF TWO ADDITIONAL UTAH CHILDREN STILL REMAINS TO BE SOLVED. 11-YEAR OLD KIM PETERSON OF SOUTH SALT LAKE LEFT HIS PARENT'S HOME ON NOVEMBER 9, 1989 TO SEE A MAN WHO WANTED TO BUY HIS ROLLER SKATES. HE HASN'T BEEN SEEN SINCE. ALMOST A YEAR LATER, 4-YEAR OLD DANNY DAVIS DISAPPEARED FROM A SALT LAKE CITY SUPERMARKET WHERE HE WAS SHOPPING WITH HIS GRANDFATHER. POLICE ARE STILL LOOKING FOR DANNY AND HIS TWO ABDUCTORS. WHAT HEARTBREAK THEIR FAMILIES AND FRIENDS FEEL, UNAWARE OF WHERE THEIR HELPLESS CHILD MIGHT BE, OR OF WHAT HELP HE MIGHT NEED.

AS A SENATOR AND A FATHER, MY HEART ACHES FOR RACHEL, KIM AND DANNY AND FOR THEIR FAMILIES. WE MUST DO EVERYTHING IN OUR POWER TO HELP RELIEVE THE SUFFERING AND AGONY OF THESE FAMILIES AND OTHERS LIKE THEM THROUGHOUT THE NATION BY IMPLEMENTING LEGISLATION AND ENCOURAGING THE COMMUNITY SPIRIT NECESSARY TO STEM CHILD KIDNAPPING AND VICTIMIZATION.

Senator SPECTER. There are two statistics which I think are particularly significant from Senator Hatch's statement that bear emphasis. One is the disclosure by the Department of Health and Human Services on an estimate of some 1.8 million children disappear each year from their homes, and that last year, the Federal Bureau of Investigation estimated that approximately 50,000 children were abducted by strangers.

We will now call our second witness today, Mrs. Helen Burton from Breckenridge, Tex., who is the mother of a 3-year-old child who disappeared from the bedroom of her home on Sunday, September 6, 1981, under circumstances which strongly suggest an abduction, and the experience of Mrs. Burton in reporting that incident and what has happened and what participation, if any, has been accorded by the law enforcement authorities, with particular emphasis on the FBI.

Mrs. Burton, we very much appreciate your being here. Thank you for coming, and we look forward to your testimony. You may proceed.

STATEMENT OF MRS. HELEN BURTON, BRECKENRIDGE, TEX., MOTHER OF RYAN BURTON

Mrs. BURTON. We left out-of-town on September 5, for an overnight trip, and when we returned the next day on September 6, we found the police at our house. We found that my daughter had been taken from her crib. Someone actually came into our house and took her out of her crib during the middle of the night.

It took us about 3 days to convince the police that she had not wandered off out of the house, and that she was abducted. We knew that she had been taken from the beginning. She was taken and nothing else—no shoes, no clothing, only her and what she had on.

We tried to tell them that she would not go out during the middle of the night; she would not leave the house in the dark; she would not walk outside without shoes on. She did not even get out of her crib by herself ever before.

They found the side of the crib was down in the morning, which she could not let down herself. The door was standing open. Because there was no forced entry, they just assumed that she got out of her crib and walked out during the middle of the night.

[The following was submitted for the record:]

— Missing Person —

RYAN NICOLE BURTON: W/F, 3 years of age

DOB: 08-02-78, 36-38 lbs., Shoulder length blond hair, blue eyes

Both front top teeth chipped, light colored birthmark under left shoulder-blade

Large for her age, used to being around many different people

Ryan was last seen by babysitter at Burton residence in her crib around 1:30 a.m., 09-06-81, and was discovered missing around 8:30 a.m.

She was wearing a long pink "granny-type" nightgown.

REWARD IS OFFERED

Any information concerning Ryan Burton can be directed to

BRECKENRIDGE POLICE DEPARTMENT, PHONE # 817-559-2211

(Ryan Nicole Burton.—On Sunday, September 6, 1981, 3 year old Ryan was removed from her bedroom in Breckenridge, Texas. Her parents had been out for the evening and had hired a twelve year old baby sitter to watch Ryan and an older brother, age ten. Between one and eight a.m., neighbors heard a commotion at the house and saw a pick-up truck drive up. The next morning Ryan's crib door was down, the child was gone, and the front door of the house was open. Although there have been repeated sightings of a child closely resembling Ryan in the Oklahoma and Texas areas, Ryan has not been seen and her whereabouts remain unknown.)

Mrs. BURTON. The first day that the police investigated it, they called the FBI and requested help. They were told that unless they had a ransom demand, they could not enter the case. The same week, I called them and requested help—since we only have a 10-man police force in Breckenridge, and we do not have this kind of crime, I did not feel that they could do an adequate investigation on it. We were told at that time unless we had proof that she had been taken across the State line, or a ransom demand, that they could not enter the case.

Our financial situation was such that we knew we would not get a ransom demand.

Senator SPECTER. Mrs. Burton, who told you that a ransom demand or proof of being transported across State lines was indispensable before the FBI could enter the case?

Mrs. BURTON. The Abilene Bureau of the FBI, which is the people I called, and I was told that without the ransom demand or proof that she was taken across the State line, they had no jurisdiction in the case.

Senator SPECTER. Do you recall whom you talked to in the Abilene FBI office?

Mrs. BURTON. Mr. Pat Wilkins was the man in charge at that time. I told them if I had proof she was taken across the State line, I would not need them.

Senator SPECTER. On how many occasions did you talk to Mr. Wilkins?

Mrs. BURTON. Repeatedly. We called over and over again and requested them to come in, pointing out the inadequacy of our police department.

Three and one-half weeks after my daughter was taken, we had a major flood in our town. One-third of our city was underwater. Our police department had their hands full; for almost 3½ weeks, they did nothing on my case.

Senator SPECTER. How big is Breckenridge, Tex.?

Mrs. BURTON. About 8,000.

Senator SPECTER. And how many members of the Breckenridge Police Department are there?

Mrs. BURTON. Ten.

Senator SPECTER. When did you last see your daughter, Mrs. Burton?

Mrs. BURTON. Saturday, around 12 o'clock, when I left to pick my husband up to go to Dallas for the night.

Senator SPECTER. And you left her in the care of a babysitter?

Mrs. BURTON. Yes. My nextdoor neighbor's daughter was babysitting, and they were home, and my son was also at home.

Senator SPECTER. And your daughter was 3 years old?

Mrs. BURTON. Yes, just turned 3.

Senator SPECTER. And did she sleep in the kind of a crib which I understand required somebody to operate a foot pedal to lower the side?

Mrs. BURTON. Yes, yes.

Senator SPECTER. Could you describe that for the record, please?

Mrs. BURTON. Yes. There is a foot pedal that you have to release with your foot from the outside of the crib. There was not really any way she could release it. She had never even tried to get out of

her crib. If she got up during the middle of the night, she just would holler until someone came in and got her.

Senator SPECTER. So she had never gotten out of the crib by herself?

Mrs. BURTON. Never tried, never. And she was very much afraid of the dark, would never have gone out of the house at night by herself.

Senator SPECTER. And when you next saw the crib, the side was down, indicating that somebody had to have operated the foot pedal?

Mrs. BURTON. Yes. The side of the bed was let down, and the front door was left standing open. We tried to tell them that she would not walk out in the middle of the night without even shoes on; she had no shoes. No shoes were missing; only the nightgown she had on. But it took us 3 days to convince them that she was kidnaped instead of just wandering off in the middle of the night.

Senator SPECTER. You were convinced that she had been abducted or kidnaped?

Mrs. BURTON. From the minute we got home.

Senator SPECTER. Was there some indication from a neighbor about some truck in the vicinity?

Mrs. BURTON. One neighbor saw a pickup come down the side of the alley. Another neighbor saw a car in our driveway that night, which they found the person who was driving the vehicle, but nothing has really come of that.

Senator SPECTER. And you say it took you 3 days to convince someone that she had been abducted?

Mrs. BURTON. Yes. For about 3 days, the police went on the assumption that she had wandered off, and they concentrated the search in the immediate area of our home, looking in tanks and going through the woods.

Senator SPECTER. How long after she was abducted did you make your first contact with the FBI?

Mrs. BURTON. My chief of police called the very day, September 6th, the day she was taken, and was told they could not enter the case. I called within the first week and begged them to come in; told them that our police department just had never had that kind of crime in Breckenridge, and I was not even sure they knew how to go about handling that investigation.

Senator SPECTER. Did the FBI conduct, to the best of your knowledge, even a preliminary investigation?

Mrs. BURTON. No, nothing—nothing that I was aware of. We called when the flood hit, to explain to them that it had been 3 weeks since a telephone had been picked up, since anything had been done, because the police were so busy with the town being underwater that they did not have time for our case—which is a problem with the local police. They still have their duties that they have to do. But I was told that nothing was done that is normally done in their routine for the first month, because they were so busy with our case that everything else backloged for it.

Senator SPECTER. Did the FBI ever become involved in your case?

Mrs. BURTON. After 3½ months they came into the case.

Senator SPECTER. And what did they do, to the best of your knowledge?

Mrs. BURTON. Well, the first day that they came into the case, they sent about six or seven men to Breckenridge, who interviewed myself and my husband and the immediate people who were involved in it.

Senator SPECTER. How do you know that there were as many as six or seven?

Mrs. BURTON. They all came to my house. They came to my house the first day, and they left, and I was told that they stayed around Breckenridge maybe for a week, interviewing people, and then they left and they went back to the Abilene office. And that was the only time, besides when they gave my son a lie detector test, that I had actually seen them come to Breckenridge.

Senator SPECTER. When did they give your son a lie detector test?

Mrs. BURTON. Oh, approximately a month after they were into the investigation. They said it was more or less routine, and it should have been done already.

Senator SPECTER. Did they give you a lie detector test?

Mrs. BURTON. I had already taken one.

Senator SPECTER. Administered by the FBI?

Mrs. BURTON. No, administered by the police. My husband and I both took one.

Senator SPECTER. How did you do?

Mrs. BURTON. Passed all right.

Senator SPECTER. How old is your son?

Mrs. BURTON. He was 10 at the time; he is 12 now.

Senator SPECTER. And how did he do on the lie detector test?

Mrs. BURTON. He passed fine. I do not think they really thought he knew anything. They just said it was something that should have been done in the beginning, they should always test the immediate family, and they wanted to do that.

Senator SPECTER. Do you know what the results have been of the FBI's investigation?

Mrs. BURTON. No, because they do not tell you anything. They never called me. They were in on my case for approximately 3½ months, and I do not think they ever called me. I called them at least once a week, on my time, I called them, and I would ask them what was going on, and they will not tell you anything.

Senator SPECTER. After the one occasion where you met with the six or seven FBI agents, did the FBI initiate any other contacts with you?

Mrs. BURTON. I do not really remember any time that they called me. Now, I talked to my chief of police, who was talking with them, but the only time that I directly talked to the FBI was when I called them at the Abilene office, to find out what they were doing, what had been done, what they had found out, and most of the time they would not tell me anything.

Senator SPECTER. And did they ever tell you anything? Was there any time where they told you something about their results?

Mrs. BURTON. Not really. I had some suggestions that I made to them because there was one suspect that they had not cleared that they told me unless they found further information or evidence against him, there was nothing else they could do with him, so I made some suggestions to them, and they told me I watched too much television. They really never told me——

Senator HAWKINS. Who told you that you watched too much TV?

Mrs. BURTON. Mr. Wilkins of the Abilene bureau.

Senator HAWKINS. Of the FBI?

Mrs. BURTON. Yes. And he worked for about 3½ months, and then he left. I have had four different agents in the time that they have been involved in it.

Senator SPECTER. Have you seen your daughter since her abduction?

Mrs. BURTON. No. And there was a sighting in April, that the police went to Oklahoma to check it out. As far as the FBI, they came to my house because of some phone calls, but nothing else was really done by the FBI on it, as far as I know. I was not told of anything.

Senator SPECTER. Mrs. Burton, was there a circumstance where you bad an opportunity to have a picture of your daughter displayed and a request for a TELEFAX from the FBI?

Mrs. BURTON. Yes.

Senator SPECTER. Would you describe those circumstances, please?

Mrs. BURTON. Yes. I was called by Childfind to tell me that they had an opportunity to have my daughter's picture on the "Phil Donahue Show," which would have been the first time we had any nationwide coverage of her picture.

Senator SPECTER. And when was that?

Mrs. BURTON. That was before the FBI entered my case, within, say, the first 2½ months after she was taken. They called me, and it was a deal where they just got notice of it, and they did not have a picture of my daughter on-hand, and she said, "If there is any way you can get us a picture tonight, we can have your daughter's picture on the show tomorrow. You need to have someone who has the kind of machine that sends a picture."

So I proceed to call everyone in Dallas, all the newpaper offices, could not find anyone open. I finally called the Dallas bureau of the FBI and the woman who answered the phone told me yes, they did have a machine, but she would have to check with her supervisor to get OK before I could use it. She then called me and told me no, I could not use the machine. So I asked her to give me his phone number so I could try and convince him to let me use it, when she told me that I would really have to go to Washington to get the OK, that he could not OK it. I then called Washington and talked to the Bureau there and got a man on the phone and explained to him the problem, and he said the same thing—"I am sorry, I understand your problem, but I cannot help you."

Senator SPECTER. Do you know his name?

Mrs. BURTON. No, I do not. I spent about 30 minutes, crying, begging, pleading. I even told him that I could run the machine, that he did not actually have to touch it, if he would just let me have access to it, and they said, "I am sorry, you cannot use it."

So I did not get her picture on the show.

Senator SPECTER. Did you have any opportunity to have a picture on the Donahue show at any later date?

Mrs. BURTON. Not for a long time. I think Childfind did have them put her picture on, but it was a long time after that.

Senator SPECTER. Senator Hawkins?

Senator HAWKINS. Mrs. Burton, who was the babysitter?

Mrs. BURTON. My nextdoor neighbor's daughter.

Senator HAWKINS. How old is she?

Mrs. BURTON. She is 12.

Senator HAWKINS. Did they give her a lie detector test?

Mrs. BURTON. No, I do not believe so. They did put her under hypnosis, though.

Senator HAWKINS. Who is "they"?

Mrs. BURTON. The police flew her somewhere to an expert who did hypnosis in the beginning, to see if everything she said was true, and it was shown that she took very good care of her. And under hypnosis, it showed that she did hear a door shut and thought she heard the baby cry, and at that time, she got up, went to the hall and flipped the light on and just looked into my daughter's room at the crib, to see if there was any commotion or if she was standing up in her crib. When she did not see any commotion, she just assumed she was still asleep and went back to the couch and went to sleep. And they said that the people could have even been in the room at the time, and she just did not know it. This was at 1:30 at night, so sometime between 1:30 and 8 o'clock in the morning when she woke up, she disappeared.

Senator HAWKINS. So it was the local police who had the babysitter undergo hypnosis?

Mrs. BURTON. Yes. As far as I know, the FBI, they had told me when my son took a lie detector test that they were going to test the babysitter also, but they never did.

Senator HAWKINS. And up to this time, as you told Senator Specter, you do not know what the FBI's involvement is as of this date?

Mrs. BURTON. No. After they worked for 3½ months, I called to talk to Mr. Wilkins, who had been on my case. I was told he had left the agency and gone into private practice, and I now had a new man to handle my case. I was then told that unless further developments came in, new information or new evidence, that they had gone as far with my case as they could. I said, "Well, you have not found her; how can you be through with it?"

They said, "Well, we have just done all we can do, unless we get new information."

Senator HAWKINS. Let us back up. I am also interested in how you got the number of the FBI in Washington. Did you ask the operator?

Mrs. BURTON. The girl in the Dallas bureau gave it to me. She said that calling her supervisor would do no good, that he would have to get the OK from Washington, so she gave me the number to call. She said if anyone would OK it, these would be the people I would have to talk to.

Senator HAWKINS. And you do not recall the person you talked with in the FBI in Washington?

Mrs. BURTON. No, ma'am.

Senator HAWKINS. Was it a man?

Mrs. BURTON. Yes. It was the FBI Bureau in Washington.

Senator HAWKINS. Do you know what time that was?

Mrs. BURTON. Late; it was of an evening, probably around 9 o'clock at night.

Senator HAWKINS. And you also said it was 3½ months before they came to your door?

Mrs. BURTON. Yes. I was told by my police whenever they called and said that the FBI was finally entering my case, and I said, "Why, after 3½ months? Why now?"

And they said, "I think, just to shut you up," because I called them, and every interview I had, I raised the fact that they would not come into my case. They never really gave me a reason why they came in after telling me they could not come in for 3½ months.

Senator HAWKINS. Thank you so much for coming here today and sharing your great tragedy with us. Because of your willingness to testify, maybe we can avert similar tragedies in the future.

Mrs. BURTON. I hope so. Thank you for inviting me.

Senator SPECTER. Mrs. Burton, just as to your own feelings in the matter, what do you feel that the proper way would have been for this matter to have been investigated?

Mrs. BURTON. I think that the FBI or some special team that can come into a case immediately and spend the time just doing that investigation is what we need, because the local police just have too much else to contend with. They do not have the time, the money or the manpower to handle this kind of investigation. I think the FBI should be made to come in immediately and give it one of their top priorities, because they told me several times mine was just one of many of their cases, it was not the only one they were working on; they had several. And they repeatedly told me that they had a shortage of manpower.

Senator SPECTER. It is always hard to say what any result would have been from an investigation, but as to your own feeling, if some investigative agency had come in, expert in nature, immediately, what is your own feeling as to the likelihood of having recovered your daughter?

Mrs. BURTON. I think that if they would have come into the investigation immediately and assumed that it was a kidnaping instead of assumed different, I think that the results could have been a lot different. I think we would have known more today as to who or why. I still do not know anything more today than I did a year and a half ago. I think the first 3 days was very crucial to have someone going on the assumption that she was kidnaped, rather than spending their time searching the surrounding area of my house.

Senator SPECTER. Did you ever have any idea as to anybody specific who might have had some motivation to abduct her?

Mrs. BURTON. No.

Senator SPECTER. Was there ever a ransom demand?

Mrs. BURTON. No. We have a $25,000 reward offer that we have never even had any calls on.

Senator SPECTER. So it is totally unexplained in your own mind as to who it was, why it was, or what the circumstances were?

Mrs. BURTON. Unexplained, yes, totally.

Senator SPECTER. But you feel that if someone had come into it immediately and done a thorough investigation, that there would have been a good chance of the recovery of your daughter?

Mrs. BURTON. Yes, I think if someone with experience—I think if someone would have come in and taken fingerprints right away, maybe we could have gotten something there; if someone had notified the surrounding towns to be on the watch for it, I think that we might have gotten something from that. But for 3 days, no one was alerted. They spent the whole time searching the town instead of searching for them leaving the town. And there were never fingerprints taken. There were already so many people by the time that they really felt like, "Well, maybe this is a kidnaping"—there had already been hundreds and hundreds of people all through my house, all through the surrounding grounds of my house. I am not sure that they could have done it then if they had wanted to. But in the beginning, they could have, because someone had to open the door to get in the house.

Senator SPECTER. Any further questions, Senator?

Senator HAWKINS. What was the sighting? Did you say there was a sighting?

Mrs. BURTON. The original one was in Oklahoma. In Tuttle, Okla., a woman at a convenience store claims that she saw Ryan and that she spoke to her.

Senator HAWKINS. This was after her picture was displayed, on television or something?

Mrs. BURTON. This was April of last year. She did not know it was Ryan the day that she saw her. Two or 3 days later, she saw a piece in the paper that the FBI had put in—which we had a very hard time doing—they were able to do that, but we could not get anyone but local people to put it in the paper—she saw the picture of my daughter and said, "I talked to that little girl 3 days ago and asked her her name, and she told me her name was Ryan Nicole." And they went up there and put her under hypnosis, and they felt like it was a very legitimate sighting. But as far as the FBI involvement with that, I was told that they were going to go nationwide with the man's picture and the story about the woman sighting it, but as far as I know, they never did; they went Oklahoma and Texas, but that was it.

Senator HAWKINS. Thank you.

Senator SPECTER. Thank you very much, Mrs. Burton. If you would just stay there, we may have some questions following up, after we hear from some of the other witnesses.

Mr. John Walsh, would you step forward, please.

Mr. Walsh's 6-year-old son, Adam Walsh, disappeared on a Monday afternoon in July 1981, after the young man had been shopping with his mother in a Sears Department Store in a shopping mall. He had been in the toy department while his mother shopped nearby, and when she returned, he was gone. Thereafter, there was a very extensive search in south Florida, and about 2 weeks later, there was an indication that young Adam Walsh had been murdered.

Mr. John Walsh has led a personal crusade to do something about the problem of missing children. He cooperated with Senator Hawkins last year and with me and with others in the Senate, to have the Missing Children Act signed, and I believe Mr. Walsh was present at the White House when President Reagan signed the act.

Mr. Walsh, I know you have done this many times before, but could you briefly describe the circumstances of your son's disappearance?

STATEMENT OF JOHN WALSH, HOLLYWOOD, FLA., FATHER OF ADAM WALSH.

Mr. WALSH. Yes, I will.

First of all, Senator, I appreciate the opportunity to testify again before this subcommittee, and in behalf of many parents of missing and murdered children and the victims themselves, I personally want to thank you and Senator Hawkins and your staffs for your efforts in all areas of the rights of children. You have done an outstanding job in the last year, and I commend you on their behalf.

I will reiterate the circumstances of Adam's disappearance, which you did briefly. He and his mother were shopping in the Sears mall in Hollywood, Fla., July 27, 1981. She was two aisles away in the lamp department, he was in the toy department, and within the course of 10 minutes, she returned two aisles over, and he was gone.

Adam was a very disciplined little boy, according to his teachers and his classmates. He was brought to private school every day and picked up by one member of the family or another. He was not allowed to cross the street and go to the park nextdoor. He had never ridden his bicycle in the street. He had traveled with my wife and I extensively and never wandered away and become lost.

In my mind, and in the minds of thousands of people, there is no doubt that Adam was abducted from the Sears mall, although there were no witnesses.

As many people are aware, supposedly the largest manhunt in the history of Florida was conducted, and after realizing that no one was virtually looking for my son except the Hollywood police, I decided to seek media attention and go nationwide.

Two weeks later, I was scheduled to appear on the "Good Morning, America" show to beseech the country to look for my son, and I was informed that morning before the show that the severed head of a young boy was found in a canal in Florida. I made the decision to go on the show and continue in my efforts on behalf of other children, even though it was too late for Adam.

[The following was received for the record:]

Missing Person

DONATIONS FOR

REWARD

NOW TOTAL MORE THAN

$100,000.00

FOR INFORMATION
LEADING TO THE SAFE RETURN
OF

Adam Walsh

DESCRIPTION:
Age: 6 years old
Height: 3' 6"
Weight: 45 lbs.
Eyes: Hazel
Build: Slight
Hair: Straight Sandy Blond

Other: Missing one top tooth with second tooth coming in

CLOTHING WORN WHEN LAST SEEN:
Pants: Green shorts
Shirt: Short sleeve pullover, predominantly red & white striped
Shoe: Rubber Sandals (Yellow Bottoms and Blue Strap
Hat: Beige Colored Boat Captain's Hat

PLEASE help us find Adam Walsh. Last seen and missing from Hollywood Mall Sears Toy Department, Monday, July 27, 1981, around 12 noon.

We are willing to negotiate ransom on ANY terms. Strict confidentiality. DO NOT FEAR REVENGE! We will not prosecute. We only want our son. If desired, contact any radio or T.V. station, newspaper or any other media as a neutral party for negotiations or information. We want Adam home. If you think you see him, ask him his name.

If you have any information, PLEASE call or write either:

Hollywood Police Department
3250 Hollywood Boulevard
Hollywood, Florida 33021
Detective Bureau: (305) 921-3911

Parents:
John and Reve Walsh
2801 McKinley Street
Hollywood, Florida 33020
Phone: (305) 922-4454

(Adam Walsh.—Six year old Adam Walsh disappeared on Monday afternoon, July 27, 1981. Adam had been shopping with his mother in a Sears Department Store in a shopping mall in Fort Lauderdale, Fla. Adam's mother had left him in the toy department while she shopped for a lamp two aisles away. When she returned Adam was gone. A thorough search of the mall proved fruitless. Local police conducted what has been described as the largest manhunt in south Florida history. On August 11, 1981, Mr. and Mrs. Walsh were notified that a severed head which had been found in a Florida canal was the remains of their son, Adam. No suspect has been arrested in the case.)

Senator SPECTER. Had there been any specific requests made to the Federal Bureau of Investigation to enter the case, Mr. Walsh?

Mr. WALSH. Yes, I basically structured the investigation myself—I do not say that out of disrespect for the Hollywood police. I stayed in the police station the first 9 days of the search and never went home, except to change clothes. After the first 2 days, I realized, from looking at the teletypes that were coming in, and asking a detective, "What are these teletypes? What do they say?" And they said, "Well, felons entering the State of Florida, et cetera, et cetera."

I said, "Why aren't you reading them?"

They said, "Well, we have 40 detectives on your son's case and we have used all our resources to look for him within the jurisdictions of Hollywood, and we do not have time to read them."

I said, "Then who is reading the "bolos", the all-points bulletins and the teletypes that you are putting out?"

And he said virtually, "I do not know. I cannot tell you that."

I sat and listened to the sightings that were coming in from Georgia, north Florida, central Florida, as our detectives beseeched other detectives to go out and look, and I listened on the other end of the phone, and I heard detectives in other States say, "Well, we do not have the manpower. We have got 25 missing children cases on our desks."

So I actively sought the involvement of the FBI, yes. Many people interceded in my behalf. Senator Hawkins' office is one; personal friends called Attorney General William French Smith. I sought their involvement because I knew that the Hollywood police were, unlike the Breckenridge police, a little more sophisticated, but I realized the extent of the search was confined to Hollywood, Fla. and that time was a crucial factor.

I was told by the FBI that there was no evidence of an abduction because there were no witnesses, although a security guard in the store was extremely confused; she had ordered some boys out of the store that were causing a ruckus about the Atari game, and that she was seeking counsel from a psychiatrist because she thought inadvertently, she might have ordered my son out with the older boys, and that he might have wandered out of the store and possibly been abducted in the parking lot. They also told me that there was no evidence of a ransom note, and that there had to be some indication or proof that he had been transported across State lines. I questioned those assumptions or what I was told—many people questioned them—but I was not in a position to criticize the FBI at the time. I am not here to criticize the FBI right now. I am here to delve to the bottom and the interpretation of the Federal kidnaping statute.

I questioned them about the sightings out-of-State; wasn't that enough of an indication? Many people came to me and said, "We will make a bogus ransom note if that will get the FBI into the situation." I said, "No. I think that will hurt the efforts looking for Adam. I will proceed bv the law and deal with them as much as I can."

I spoke to FBI agents. They told me they were consistently monitoring Adam's case.

Senator SPECTER. Mr. Walsh, when was the first contact, as best you can pinpoint it, that you had with anyone from the FBI after Adam's disappearance?

Mr. WALSH. The next morning.

Senator SPECTER. And did you call?

Mr. WALSH. I did not call, no. Members of the family called.

Senator SPECTER. Do you recall whom you talked to?

Mr. WALSH. No. I spoke to many agents over the phone and met some in person, but I do not remember the exact names, Senator Specter, because we tried to involve people on a higher level. I had the resources and the contacts, unlike most people, and I tried to go to the source, to Washington.

Senator SPECTER. And which office of the FBI did you contact?

Mr. WALSH. Miami. And the office in Washington was contacted, and I have as a matter of my testimony here today, a letter from Charles Monroe, the Assistant Director, Criminal Investigative Division, to Hon. John LaFalce of the House of Representatives, who is from the district of my wife in upstate New York, who actively sought their involvement, as Jack Kemp did, and as Senator Hawkins, and as did many other people who were friends of the family.

Quote—he is talking about the Federal Kidnaping Statute—"And this has been interpreted by the Department of Justice to mean there must be some evidence of such an abduction—not merely an unexplained disappearance--before the FBI can undertake an investigation." That was their answer back to Congressman LaFalce why they did not enter Adam's case.

[The following was received for the record:]

20-051 O - 83 - 3

Hon. JOHN J. LAFALCE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAFALCE: Your September 2nd letter to Judge Webster with regard to the disappearance of Mrs. Phyllis Venezia grandnephew, Adam Walsh, and requesting the policy of the FBI in such cases has been brought to my attention. I was truly sorry to learn that Adam was murdered and wish to express deepest sympathy to his family.

I share, as does the FBI, your grave concern for the welfare of our children who have disappeared and wish to assure you that we are not indifferent to the requests received for help in locating missing children. We are most sympathetic to the desire of those who want the FBI to actively investigate these cases; however, in fulfilling our responsibilities, including kidnapping matters, the FBI must adhere to the guidelines set down for us which give us the authority to investigate possible violations of those Federal laws falling within our jurisdiction.

As you are aware, Congress, in passing the Federal kidnapping Statute, established the parameters within which we must work. No matter what the crime committed, certain elements must be present for it to fall within our purview and these elements are set by the language of the law. The Statute, as written, states in part, ". . . any such person who has been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted or carried away . . .," and this has been interpreted by the Department of Justice to mean there must be some evidence of such an abduction, not merely an unexplained disappearance, before the FBI can undertake investigation. It is not within the purview of the FBI to modify its investigative policy regarding kidnapping as it conforms with that legislated by Congress in the Federal Kidnapping Statute.

The FBI does not have the authority to investigate missing persons unless there is evidence of a Federal violation within our purview. In cases involving missing children which are brought to our attention, as in the case of Adam, our field offices maintain contract with the local law enforcement agency handling the investigation in the event evidence is developed which would grant us the authority to enter the case.

In addition, the FBI offers to local and state law enforcement the services of its Laboratory and Identification facilities in all cases under investigation. Also, the FBI's National Crime Information Center (NCIC), a computerized criminal justice information system, provides state and local law enforcement agencies the ability to enter records relating to missing persons provided they meet certain criteria. One of the categories which may be entered involves juveniles, which generally includes individuals up to 18 years of age. The entry must be made by a criminal justice agency and be based on a written statement from a parent or legal guardian confirming that the juvenile is missing and verfiying the date of birth.

As a matter of information, our Miami Office maintained continuous contact with the Hollywood Police Department which conducted the investigation regarding Adam's disappearance. The facts surrounding the matter were discussed with the Assistant United States Attorney, Fort Lauderale, Florida, who advised that in his opinion the evidence developed did not indicate the existence of a Federal violation but requested to be kept advised of any and all pertinent developments in the case. Tragedies such as Adam's death touch everyone, and I sincerely regret that we are unable to be of more assistance. I hope you will understand the restrictions placed on us in these types of cases, but, unless the law is changed, there is nothing more that we can do.

Sincerely yours,

CHARLES P. MONROE,
Assistant Director,
Criminal Investigative Division.

Mr. WALSH. Then I was told by an FBI agent that if evidence of foul play was a result of Adam's abduction, that they would become involved in the case. Obviously, Adam was abducted; obviously, Adam was murdered. And we have no idea—they never actively became involved in Adam's case.

I will say that the Hollywood police had some resistance to the FBI, as many local police do, calling them "the Feds," "the men with the suits," et cetera, et cetera. I can understand the rivalry, the juridsictional wars, the turf wars, the egos involved. But my contention is that it is a child at risk; the issue is the child. And whether the police ask the FBI to intervene or they do not ask them to intervene, some Federal agency with the resources such as the FBI should make a determination that this is a stranger and do what they can, whether the local police involve them or not.

Senator SPECTER. Mr. Walsh, to your knowledge, did the FBI enter the case?

Mr. WALSH. No.

Senator SPECTER. Never?

Mr. WALSH. Never, never.

In the case of Mrs. Burton, I think it is evidenced that an unsophisticated police force which has never dealt with the problem of abduction of a child certainly could have used the FBI's assistance.

I found out afterward, in all my investigations in criss-crossing this country, just exactly how loose the network was and how exactly the network did not exist, to look for children or to look for anyone, in effect.

Senator SPECTER. What kind of an investigation did you conduct, Mr. Walsh?

Mr. WALSH. Well, I went into seclusion after Adam's funeral, and during that time, we received 22,000 letters in the mail of sympathy. Many of them were from frustrated parents—frustrated parents, searching and not knowing where their children were, or parents of murdered children. Our hearts were broken—they always will be—but I was determined that if we would do anything in Adam's memory and for the presently missing children and all our children, that I should have my facts in order.

I went to Cornell University and had unlimited access day and night to the Cornell University Law Library. I researched the founding of the FBI, the Federal kidnaping statute and the Uniform Crime Report. I interviewed people throughout the country. I got articles for the last 20 years on child kidnapings, abductions, microfilms, whatever I could gather. I interviewed police chiefs wherever I went to talk about this problem. I interviewed medical examiners and coroners in different States. I interviewed police homicide detectives. I testified before the Legislature of the State of Florida and met with the three police agencies in the State of Florida—the Fraternal Order of Police, the Police Chiefs' Association, and the Florida Sheriffs' Association. I determined several facts. There was no network. Many States did not receive messages on missing persons from each other. There was no network. There were jurisdictional wars. There were turf wars, which police readily admitted. Then I decided that I was not going to get any satisfaction from local police—yes, the burden of searching for the child initially is on the local police–but I would try to research the in-

volvement of the FBI, so that if I did get involved with such as the Missing Children's Act, I would have my facts in order.

The Missing Children's Act, I was fortunate enough to testify three times up here on, and to bring the fact to bear, as you well know, that there was no national clearinghouse. No. 1, that there was no unidentified dead file, No. 2, we were successful in passing that legislation.

But further into my research to the Federal kidnaping statute, I determined that the FBI's interpretation and what they were telling the general public, what they were telling the parents, what they were telling the police officers involved, and what they were telling the media was not the policy of the Bureau here in Washington, and that their interpretation was something that I believe they arrived at—I am not a lawyer, but I have researched this extensively, and both of your staffs have——

Senator SPECTER. Whose interpretation was at variance with the FBI in Washington?

Mr. WALSH. The field officers; what they tell the parents, the individuals.

Senator SPECTER. And what variances did you determine?

Mr. WALSH. Well, I have reviewed Mr. Revell's testimony today, prior to this. And I think he will tell you some things in there of the Bureau's policy in Washington of their interpretation of the Federal kidnaping statute. In the cases that I was involved in the investigation, there was no uniform policy. The agents either told them, "Mrs. Burton, there had to be a ransom." There had to be proof of crossing State lines in some cases; some cases, they entered arbitrarily. Some cases, they determined that it was a stranger abduction. Some, they never determined it was a stranger abduction, but they entered it. No consistency, no overall policy.

The Federal kidnaping statute states, as it relates to interstate transportation:

> While the Federal Kidnaping Statute does require that the victim be fully, willfully transported in interstate or foreign commerce for the FBI to have jurisdiction in the case, a special presumption clause has been added to the statute.

This is in the statute—

> The failure to release the victim within 24 hours after he shall have been unlawfully seized, confined, inveigled, decoyed, abducted, or carried away shall create a rebuttable presumption that such person has been transported to interstate or foreign commerce.

What they told me is not in accordance with the Federal kidnaping statute, and if that is their policy, then their interpretation is wrong.

As it relates to a ransom demand, in Federal kidnaping statute, section 1201 of title 18 of the United States Code,

> Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts or carries away a person and holds for ransom or reward or otherwise, any person, except in the case of a minor by parent thereat.

The original Federal Kidnaping Act applied only to kidnaping for ransom or reward, as a result of the Lindbergh kidnaping. The act, however, was amended in 1934 by adding the words, "or otherwise" for the ransom and reward, and now covers kidnaping for any purpose which might secure benefit to the captor. In all the

cases that we have been involved in, in onlv 10 percent of the kidnapings, is there ever a ransom note, bogus or otherwise.

Senator SPECTER. What other variations, if any, did you believe you found between the stated FBI policy and what goes on in the field?

Mr. WALSH. Well, what goes on in the field, again, seems to be very nebulous, very gray, as involvement with the local police, whether the police ask the FBI to come in or not. In some cases, they come in without the request of the local police, and in some cases, the local police resist their involvement. Again, there does not seem to be a clear policy as to whether they will become involved in a case or not. If they feel that the police are sophisticated enough in that area, then sometimes they do not come in. If it receives enough media or enough pressure, then sometimes they do come in.

I guess what I am saying is that there again is no uniform policy whether they enter a case or not. They make an arbitrary decision. I do not believe they have the right to make an arbitrary decision whether to enter the case of a stranger abduction. I think they forget the issue that a child is at risk.

Senator SPECTER. Mr. Walsh, what do you think the standard should be for the FBI's entering into a case?

Mr. WALSH. I think that they have to reassess their priorities, No. 1; especially as you so aptly put what the FBI was founded for.

No. 2, I think that they have to realine or reestablish or review their policies at it relates to the Federal kidnaping statute. There are many police agencies—and we know how stretched thin the FBI is. I am not here to ask FBI agents to look for children in the field. They could come in within 24 hours, if that is what the Federal kidnaping statute states, and give that Breckenridge police chief, who does not have a clue of what he is doing, some advice, some action plan, on how to assist in the investigation. That, they could do, No. 1. No. 3, they could set an age limit. Believe me, Adam Walsh did not get on a bus or a plane or something like that, and 3-year-old Ryan Burton did not get out of her crib with a supersaver ticket and go to Jamaica. They could make a decision of a certain age, 9 or 8 or whatever, and if it is not the case of an exspouse doing it, a parental kidnaping, if it is truly a possible stranger abduction, they could come in in that case and assist in that.

They have the nationwide network. They have the resources to assist these people. And I believe that all this conversation today, and the interpretation of the statutes, and the policymaking and the decisions back and forth—in Mr. Revell's statement, his ending statement, which I believe will be sincere, and quoting him—while his statement appears to be carefullv researched and written, this is not the case, the structure that they are doing—he says at the end of his statement, "Finally, I trust these hearings will produce constructive recommendations for ways in which the Federal Government can provide greater assistance to the parents of children who have disappeared."

That is not the issue. The parents are not the victims. The children are the victims. This country is littered with mutilated, decapitated, raped, strangled children. And they are at risk. And for

people to arbitrarily decide whether they will enter a case or not, whether the local authorities have the resources, to determine this bureaucratic pontification throughout this country is ludicrous, because the child is at risk, the child is the victim.

Senator SPECTER. Mr. Walsh, what do you think about the basic concern as to the scope of what the FBI should be doing as a national police force, so to speak, contrasted with the traditional role of local police?

Would there be an incursion in the basic concept of local police authority by a national police force if the FBI were to have a more direct and easier access or freer access to the kidnaping cases?

Mr. WALSH. I do not believe so. The states are autonomous, yes. The local police agencies have authority, yes. But this is a Union. This is a Union of States in a Federal Government, and they are our Federal police force, mandated to fight kidnaping in the war on crime. These are crimes against children, and in whatever area they can assist or intervene because of their superior resources and their superior, not necessarily manpower, but sophistication in this area, I do not think it will infringe. I do not think you will find one parent anywhere, including yourself and the people in this room, who would ever dicker over that issue. I do not think there is any police chief who may resist their involvement, but if it was an amendment to the Federal kidnaping statute, or just a simple interpretation, then it is the law of the land, and it is clearly stated in the Federal kidnaping statute that they can enter these cases, and certainly the issue, again, is our children. And you may get some resistance on a local level because of the attitude toward the Feds but I think if it were broached in the proper manner, and some guidelines were drawn, I think local law enforcement would welcome involvement of the FBI, because they know the lack of their extension of their resources, because I was told. "We virtually cannot do anything out of Broward County," and my son was found 130 miles out of Broward County, too obviously, they were searching in Broward County to no avail.

Senator SPECTER. Senator Hawkins.

Senator HAWKINS. John, you have done such a great job in alerting all of us to the real difficulties facing parents who are looking for children. As you know, when you first called my office, we called the FBI and were told that even if Adam were sighted in another State, they could not get involved.

Mr. WALSH. Which is in direct conflict with the Federal kidnaping statute. Again, I think that the policy Mr. Revell will say today—and I reviewed his testimony, and I am sure it is sincere and well-prepared—it is a little bit contradictory. I think there is a great amount of confusion within the Bureau, within the Congress, and within the country as to the role of the FBI. You were told one thing, I was told another, Mrs. Burton was told something else—case after case, you will hear today of some other reason why they cannot get involved.

Senator HAWKINS. At any time in your case, do you recall the FBI telling you that they had any evidence or any knowledge that Adam was not abducted?

Mr. WALSH. No.

Senator HAWKINS. As you know, when we were working on the missing children legislation, the local law enforcement people supported that legislation, along with the Chiefs of Police of the United States, the American Bar Association, many people involved with law enforcement.

Mr. WALSH. I think that was a statement—I think you are making a very succinct point—that they know they need help.

Senator HAWKINS. They want to work together, because it is the children, as you stated, who are the victims.

Now we have the missing children law, and there are forms to fill out, for the insertion of the information into the national computer system. But you still feel that there should be policy guidelines, written and distributed throughout the United States to each FBI office, possibly with an age limit in it—I believe missing children says "under majority"——.

Mr. WALSH. "Unemancipated."

Senator HAWKINS. Yes. Are you saying that there should be special guidelines such as 9 years and younger?

Mr. WALSH. I believe so. I believe that the Missing Children Act was something that should have been done 10 years ago. No one in this room, until you brought the attention of the legislature—you people—that there was not an unidentified dead file. People believed that coroners contacted each other throughout the country. That was the tip of the iceburg. That set into motion the ability that when the children were found dead, or someone found them, that at least those searching parents criss-crossing the country could get the body back. That was never too much to ask. That is something that should have been done 10 years ago.

What we are asking today is that they—that is only the technical people at the NCIC that will disseminate this information back and forth—what we are asking today is a clearer policy. Maybe set an age limit. Believe me, a child under 9 years old is really an endangered child. I admit the FBI is stretched thin, that they have less field officers than the Los Angeles Police Department have of police officers; I understand that. But they have the national network. OK. Many children are runaways. But if they found one child alive instead of so many children dead, then it would be worth it.

Set an age limit, 9 years old. Redefine the policy. Help local police law enforcement. Make an action book. Send it out in their newsletter to the agents in the field, what you can do. Be involved. They are a national police force.

Senator HAWKINS. You are aware, of course, that in the last month or 50 days, the FBI has voluntarily notified my office that they are going to be more involved in parental snatching cases, which they previously had resisted. Mr. Robert A. McConnell sent me a letter stating that for a 1-year trial period, the FBI will become actively involved in parental snatching cases.

I have been actively involved in two of them in the last 3 weeks, and again, we have run into the same obstacle. You have to have a ransom note or proof of interstate commerce, that the child crossed State lines, even though the mother or father has custody and is actively seeking, trying to find this child. I have again been involved, as a concerned parent, to try to help this child.

My concern is, if I alone get a letter from the FBI, stating that the FBI is going to be involved for 1 year in parental snatching cases, and no one else knows it—I mean, there must be some way to disseminate this information guidelines or a hot letter going to every Bureau throughout the country. We will discuss this with Mr. Revell when he arrives. Again, if the 1-year trial does not produce many results, they obviously will withdraw that service, and I think it is a most important service, because parental kidnaping has grown to epidemic proportions. The child who is snatched in a parental snatching is not a child that one loving parent is fighting with another loving parent——

Mr. WALSH. Yes, exactly. It is a child at risk in many cases.

Senator HAWKINS. The child is the one who is abused.

Mr. WALSH. And many State legislatures that I have testified before admit that the State laws are so bad on parental abductions and that there are no clear State policies, let alone Federal policies. The track record of the FBI in my experience with them, I would like to commend them on the 1 year, but as a realist, I wonder, because it is topical; they decided to get involved in it. Are they going to monitor it? Yes, I hope so. Will they drop it after 1 year? We were told that the Colorado dead file was going to be monitored for 2 years, and then they would make a recommendation. We did not take that for granted. We all feared that that recommendation would be, "Well, let private industry do it," et cetera, which we all knew they did not have the capabilities of. So you move forward with the missing children bill.

And again, I watched you both in conference, and a lot of people in the country did not see that. They would be very proud of their Government in action. As disheartened as I am by my Government in action, and disheartened by the attitude of certain bureaucratic agencies, at least you people are there to monitor it.

If the FBI would come forward, yes, and the Justice Department, and say, "Yes, this is a nationwide program. No, there are no statistics. Our uniform crime report does not break out the abduction of children, or murders, et cetera. We will sit and mediate, and something good can come out of it." I am hoping and praying that they do not take the same attitude that they did toward the missing children bill, which was incredulous for me to believe that they opposed it.

Senator SPECTER. Thank you very much.

Senator HAWKINS. Thank you, John. You have been a tremendous help, as usual, in your great service to children and parents everywhere. I commend you for your bravery and your active involvement. Every time we talk with you, we get a new idea, and I think that you are our greatest resource at this moment.

Mr. WALSH. Well, we all owe it to the children, believe me.

Senator SPECTER. Thank you very much, Mr. Walsh. If you would stay on the panel, along with Mrs. Burton, we would like to call now Mr. Frank Papesh of Bedford Heights, Ohio.

Senator SPECTER. Mr. Papesh's 8-year-old daughter, Tiffany, was last seen on June 13, 1980, at a food market near her home in Maple Heights, Ohio. She had been sent there to purchase hamburger buns. There was a futile search of the neighborhood to no avail, and she has not been seen since the time of her disappearance.

Mr. Papesh, will you describe the circumstances surrounding Tiffany's disappearance.

STATEMENT OF FRANK PAPESH, BEDFORD HEIGHTS, OHIO, FATHER OF TIFFANY PAPESH

Mr. PAPESH. Yes, I would, but before I do, I would like to thank Senator Hawkins, who I just met this morning, for having me here. I have been 31 months trying to get here, and I still do not know how she got me here, but I am here, and I am very grateful.

Senator SPECTER. She is a very effective Senator.

Mr. PAPESH. Well, I am very grateful.

On June 13, 1980, my family was preparing for a weekend camping trip. I was to leave work early that day, and the family had gone shopping for the picnic goodies. In the process, my wife had forgotten to pick up a package of hamburger buns, so while she was packing other things into the coolers, she asked Tiff to run up to the store and pick up a package of hamburger buns.

Tiffany had run up to that store several times; it is 1,000 steps from my home. I had come home from work, and I walked in the door and asked my wife, "Where is T.J.?"—that is what we called her, instead of "Tiffany"; she liked that as a nickname—and she told me that she had gone to the store for the hamburger buns. So I said to my wife, "I will shower, and then I will load up the car, and we will go."

About 20 minutes later, my daughter still was not home. We began to get a little nervous, so myself and my older son walked up toward the store to see if maybe she had stopped at a girl friend's house on the way home, or if she was still at the store. We did not come across her.

We came back home, and we got more nervous. Maybe an hour had gone by, and knowing my daughter, being the type of punctual girl she was, she would not go next door unless she asked, "Can I go to Marie's?" She was very prompt.

I called the Maple Heights Police Department. They told me that they could do nothing for me until my daughter was missing 24 hours. I panicked. My daughter was 8 years old.

Senator SPECTER. They said they could do nothing for you until your daughter was missing 24 hours?

Mr. PAPESH. That is correct. I hung up the phone, quite upset. I did not know who to call. A neighbor who was trying to help us search called the mayor's office. The mayor interceded and sent a police officer to my house to make out a report. However, they did not conduct any search until the following morning.

During that evening, the first thought that came to my mind when I could not get any local help was, like everybody else, you think, the FBI. I called the FBI. I spoke to a John Dunn with the Cleveland FBI Office. He was the spokesman there. He told me that unless I receive a ransom note, or I could prove my daughter was taken out of State, they could not enter the case.

I did not want to accept that answer. I called them periodically, every day, pleaded with them to help. The more time passed, the more panicky I got.

Senator SPECTER. Did the FBI ever enter the case?

Mr. PAPESH. Yes, they did. Approximately 4 days after my daughter was gone, I received a ransom letter, and in the letter, it stated, "We have your daughter. If you involve police, death would happen. Have $40,000. We will contact you Saturday."

Senator SPECTER. What line of work are you in, Mr. Papesh?

Mr. PAPESH. I was a service manager for Granger Garage & Sales. It is a truck engine rebuilding company.

Senator SPECTER. Was it within your means to produce a $40,000 payoff?

Mr. PAPESH. No, it was not.

Senator SPECTER. What did you do?

Mr. PAPESH. When I first received the letter, I panicked, of course, and I called my employer and anyone I could think of to try to raise the money. The Maple Heights Police Department—there was a detective in my home when I opened the letter. He called the FBI. The FBI came to the house. They took the ransom letter, which had a lock of hair taped to the top of it, to FBI headquarters for analysis, whatever they do with it.

Within a 3-hour period, I was standing outside the front door, talking to a newspaper reporter, and my wife hollered and screached out the front door that it is on television that we had received a ransom letter. Now, once we received the letter, and the letter was in our possession, the FBI took the letter from my home, and I forbid anyone to leave my home. I kept my sister-in-law and my brother-in-law captive in my home. I forbid them to go home. I did not want anyone to know about the ransom letter.

Senator SPECTER. But you say it had already been announced on television?

Mr. PAPESH. This was before I knew it was announced.

Senator SPECTER. Do you know how it got out to the television station?

Mr. PAPESH. No, I do not. I called channel 3, the local station there, and asked them how they could do such a thing. I was very, very upset. "How could you do such a terrible thing as to put on there that I received a ransom letter?" I do not know if it is genuine or not. The police do not know either. I am not even admitting I got one. In the letter, it stated death would occur, and I told them, "You may have just killed my daughter."

Senator SPECTER. What did they say?

Mr. PAPESH. They, of course, were very apologetic. It was something that was their policy. They had a good news tip. It is their responsibility to cover the news. I told them that their taste was very poor, that they did not use proper judgment.

The FBI from that point on requested myself and my wife, my brother-in-law and my sister-in-law to take a lie detector test. They more or less insinuated that I had written the letter to myself to get them involved, because I had gone on television and made statements condemning them for not wanting to help me. I had been on the "Dorothy Fulhein Show" and stated publicly on the "Dorothy Fulhein Show" that the FBI would not help me.

Senator SPECTER. Did you take the lie detector test?

Mr. PAPESH. Yes, I did.

Senator SPECTER. How did you do?

Mr. PAPESH. I passed.

Senator SPECTER. And your wife?

Mr. PAPESH. She passed.

Senator SPECTER. And your brother-in-law?

Mr. PAPESH. My brother-in-law and sister-in-law also passed.

I several times asked the FBI as far as the authenticity of the letter. There was a lock of hair which was taped to the top of the letter. I cut all my children's hair. I cut my own hair. Every time they get a haircut, I save a lock of their hair, because children's hair changes as the years go, and I date it.

I got a sample of Tiffany's hair from the photograph albums, and I gave it to the FBI so they could match it with the hair on the letter. I could never get an answer from them if the hair matched; could they positively identify and say to me that that is her hair. They would never tell me, "Yes," "No," or "We cannot say."

Senator HAWKINS. What would they say?

Mr. PAPESH. They would avoid the question and say that, "We sent it out to Washington, and it is being checked. Finally—I do not know what made me think of it—I called Sam Gerber's office in Cleveland, Ohio. He is the county coroner. I talked to his office there and I asked him, "Can you positively identify a human being's hair if you have a sample of it?" He said, "Well, we can identify it, but not to the degree that we could go to a court of law and state that this is, in fact, her hair. We could say it is of the same texture, it is of the same color." But it answered my question.

The FBI would not do this for me. The FBI made statements——

Senator SPECTER. But they could say if it was somebody else's hair.

Mr. PAPESH. Pardon me?

Senator PECTER. They cannot make a positive identification that it is from a person, but they can rule it out from being from that person, and they can say it is not her hair.

Mr. PAPESH. Right. They did not even do that.

Senator SPECTER. But they did not say one thing, one way or another. They did not say whether it was consistent with your daughter's hair or what.

Mr. PAPESH. They did not tell me that. It had the same color, it was the same consistency, but that is as far as they would go.

Senator SPECTER. Well, did the FBI say that much?

Mr. PAPESH. No. I finally got this information out of a Detective Jamison in the Maple Heights Police Department, only after I had already talked to Gerber's office, because I had confronted him with this fact.

Senator SPECTER. So the local detective gave you information about the FBI's findings.

Mr. PAPESH. Right.

The FBI and the Maple Heights Police Department at one point made references that—I would call the police station, I would call the FBI. I want to know what is going on. They would never tell me anything. I finally talked to this Lieutenant Jamison, and I asked him, "Lieutenant, I want to know straight up—what is going on?" I asked to see the findings, the calls that you have gotten in, anything that people called in on the telephone, or letters you might have gotten. Maybe there is something in there that I would see that you do not." I wanted to be a part of the investigation.

Lieutenant Jamison told me, "Frank, we were told not to tell you anything, and there is nobody here who is going to tell you anything, because you make waves."

I was outraged. Yes, I want to make waves. I have a child. My heart is ripped out. I had a very close relationship with that girl. And I did not think that it was fair that I should be shut out.

I was subjected in the beginning to, first, lie detector tests by the city of Maple Heights, and then lie detector tests by the FBI. They put me through 8-, 9-, and 10-hour, meat-grinding investigations, implying that I myself may have killed my own daughter and disposed of her somewhere. They made me, instead of feeling like they were helping us to find her, like we were not telling her all the facts—when everyone through the family did everything they could do to cooperate. I had asked the public for help in searches. I got great responses from the public.

When it came to the police department or to the FBI, I got no response.

Senator SPECTER. Your daughter has not been found, Mr. Papesh?

Mr. PAPESH. No, she has not.

Senator SPECTER. Senator Hawkins?

Senator HAWKINS. Have you ever been informed by the FBI as to the status of her case, or any updating?

Mr. PAPESH. Generally, the only time I would hear from them would be after I would make some sort of remark on television or in a newspaper article. I never had anything nice to say about them because they were not, as far as I was concerned, helping us. They were not, as far as I was concerned, performing an investigation as they should.

Another example I could give you would be that after several months, I had finally gone back to work, and I received a phone call at work, someone telling me where I could find my daughter's body. I went to—first, I called the Bedford Park Rangers to find out if there was a location that this person described on the phone; they said yes, there was. I asked them, "Could you have the police meet me there? I want to check the area. They described it very clearly." I called the Maple Heights Police Department, and I called the FBI. I left work, and I went to the spot. I was there, oh, 15, 20 minutes. No one showed. I started looking myself. In the process of searching, I had come across a Convenient Food Mart shopping bag under the snow and leaves. My daughter had gone to a Convenient Food Mart store to buy the hamburger buns. I, of course, panicked that if I dug deeper, I was going to find my baby, buried.

I ran to the top of the hill. A park ranger came. We took the bag to the Bedford Police Department. I requested Maple Heights and the FBI to search the area; they would not. I went public and asked the public——

Senator HAWKINS. They would not search, after you——

Mr. PAPESH. No, they did not. They said the bag did not mean anything, that I was just grabbing at straws. I asked the public to help me search the area, and I had a tremendous turnout. The public was there to support.

In the process of the search, FBI agents and Maple Heights Police Department—and I have the photographs from the newspapers, of them, sitting in their car. We had a confrontation with the Maple Heights Police Department, because while the people were out searching, trying to help me, one officer made a statement to an elderly woman, "What are you nuts doing out here, anyway? It's snowing. You are wasting your time."

She told me of this, and I in turn walked up to the officer and I told him, if he had no scruples or no morals, that he should just leave, not to harass people who are here, trying to be helpful.

It has been that way through the whole case. I have spent many, many times trying to get national television coverage. I could not. I asked the FBI, because I was told by a local TV station if the FBI would ask that Tiffany's picture be published nationally, that they would do it. I could not get them to make that request.

I wrote to Ted Koppel. Ted Koppel was going to do it for us. Unfortunately, it turned out to be the day the Pope got shot, so it did not come about until last month, on the 13th. It was 31 months to the day our daughter was missing that she finally appeared on "20/20" and that was through Childfind.

Senator HAWKINS. Have you had any word from anyone in the country after showing her picture—every time we show children's pictures on television, we get a lot of calls that some of them are sighted someplace. Have you had any information as to whether she was sighted?

Mr. PAPESH. No, I have not.

Senator HAWKINS. Could you recall for us, for the record, how many days went by before the FBI became involved in your case?

Mr. PAPESH. It was 7 days. I have the newspaper clipping here. Headlines, Plain Dealer, June 20, exactly 7 days after my daughter had disappeared. And it was only due to the ransom letter that they did come into the case.

Senator HAWKINS. And you have heard nothing since?

Mr. PAPESH. No, I have not.

Senator HAWKINS. There is a movie out right now, which I am told actually takes its theme from the story that we have heard from so many parents, except that it has a happy ending; the child is found. Obviously, this does not come from any of the cases we have heard before our committee. Part of the concern I have with the problem of missing children is the turmoil in the home that comes from the police entering and setting the father and the mother up as the first people they suspect. Maybe statistics show that family members kill these children or abduct these children, but I personally resent that kind of intrusion into a personal tragedy. If that is their operating procedure, maybe we will have to look into it. I know, in each and every case we have heard, there is a tremendous amount of the turmoil that the parents are going through, and maybe we cannot do anything about it, but I do know that that is one of the biggest problems that we have. So many marriages fail after this great tragedy strikes because of the current that is set between the couple, with both of them grieving at one time.

So for those who go to see the movie, which may or may not be based on any of the cases we have heard, we would just like them

to know that the ending in that movie is not real life, because we rarely find the children.

Thank you, Mr. Papesh.

Senator SPECTER. Thank you very much, Mr. Papesh. Thank you, Mr. Walsh, and Mrs. Burton.

[The prepared statement of Mr. Papesh with attachments follow:]

Prepared Statement of Frank Papesh

I am here today in hopes that I may in some way be of some help in bringing a very serious problem out in the minds of everyone in this country. I am referring to missing children and some of the problems parents have in getting help locating them. For example, on June 13, 1980 at 3:00 p.m., my daughter, who was on an errand just 1,000 steps from her home disappeared without a trace. Within one hour when she had not returned home, we called the police who in turn told us she must be missing for 24 hours before they could help us. This was one hell of a blow. Here was an eight year old girl, out in the world. God only knows where. Immediately you panic because you being an adult and knowing what crazies lurk in the streets, you fear the worst. Tiffany, who has never gone next door without asking and has gone to this store hundreds of times, was not one to stray. We knew this, but we could not convince the police this. It was only because a neighbor got the Mayor on the phone that the police came to the house to make out a report. However, they did not start a search until the following morning. We didn't know where to turn.

I thought, like everyone, the F.B.I. So, I called John Dunn at the F.B.I. He responded that he could not help unless we receive a ransom demand or if you could prove she was taken out of state (how stupid I thought). Again no help. Each day that passed, I called the F.B.I. with always the same results. It angered me because they would chase down a bank robber if only $50,000.00 were taken and when it came to a child's life, there had to be a price put on her head. Again angered at this, I went on the Dorothy Fuldhien show and begged the F.B.I. to help. I stated that they would track bank robbers and stolen cars, but until, as I said, a price tag was put on her head, they would not help me.

Then it happened. A ransom note came. The note stated they had Tiffany and that if I called the police they would kill her. On top they taped some of her hair and asked for $40,000.00 and that they would contact us Saturday.

In comes the F.B.I. Even with our worst fears, the note meant she may still be alive. The days that followed became more of a nightmare. You see, three hours after they left my home with

the note, it was broadcast over Channel 3 that we had received the ransom letter. This infuriated me. I called the station. They would not tell me how they found out about the note. I told them they may have just killed my baby.

The F.B.I. accused me of sending the letter to myself, accused me of calling the stations. They asked me, my wife, my brother-in-law and his wife to take a lie detector test. We did. I guess this is policy, but they seemed more intent on implicating me than anything else. They would not tell my wife or I anything. They made us feel guilty. They kept implying we were holding something back. Lieutenant Jameson told me that they suspected that I killed my daughter and disposed of her. He told me the reason no one would tell me anything was because I made waves.

I asked to see what information they had collected. Maybe I would see something they didn't think was important and they refused.

I could go on for hours, but at this point I would like to change pace and ask everyone here and the President of this country to think about these words of the Pledge to our flag. Words we were taught as children and still teach our children. The last few words are liberty and justice for <u>all</u>.

Then I ask you where is the justice when the very same government can spend millions to track down bank robbers or stolen cars, spend millions investigating all sorts of white collar crimes, but when it come to a person such as myself who has the most precious asset stolen, and unless I can prove she has been taken out of State or a price tag put on her head, no one can help.

The F.B.I., who all people believe to be their protectors and have the means to track down any one they put their minds to, won't help.

I ask you, how many children have to fall prey to this type of society before this government begins to pay attention to this most horrible of crimes?

Since when has the dollar taken priority over human life? I ask you ladies and gentlemen gathered here today, if any of you were in my shoes, what would be your reactions? How many heads would roll because you are in a position to do something about this nightmare, whereas we in the private sector are not. I have lost

everything- job savings and sold some of our furniture to try and find my daughter. We have learned how to eat a lot of cheese.

I won't stop looking. I implore you ladies and gentlemen just one of you take this picture of Tiffany to Ronald Regan, our President. Ask him to sign it and then ask him what he is going to do. Then maybe people like me might have some faith.

I have tried to write to the President, but my request did not deserve a few minutes of his time, although he does have time to phone a football team and tell them how great they played a game. But my child, it would seem, is not important, nor are the 50,000 other children who are missing.

What of their Liberty? Where is their Justice?

Thank you.

20-051 O - 83 - 4

MISSING-REWARD

"T.J." Tiffany Papesh

8 yrs. old -- 4 ft. tall -- 58 lbs.

Wearing Blue Shorts, Red T-Shirt (Let's Face It, I'm Cute)

Call Maple Heights Police Department

662-1235

TIFFANY PAPESH

EIGHT YEAR OLD TIFFANY PAPESH WAS LAST SEEN ON JUNE 13, 1980 AT A CONVENIENT FOOD MART NEAR HER HOME IN MAPLE HEIGHTS, OHIO. SHE HAD BEEN SENT TO PURCHASE HAMBURGER BUNS. HER FAMILY CONDUCTED A FUTILE SEARCH OF THE NEIGHBORHOOD FOR HER TO NO AVAIL. SHE HAS NEVER BEEN SEEN SINCE THE TIME OF HER DISAPPEARANCE.

U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

MAY 1 1981

Mr. and Mrs. Frank Papesh
People for Justice Committee
5840 E. Glen
Maple Heights, Ohio 44137

Dear Mr. and Mrs. Papesh:

Your letters to President Reagan, with your request that he autograph the picture of your missing daughter, Tiffany, have been referred to the Department of Justice, since this agency has been involved in the investigation of her disappearance.

I have been advised that the office of the Federal Bureau of Investigation (FBI) in Cleveland has conducted an active investigation of all possible leads concerning this matter. It appears that local law enforcement officials have also been very actively involved in the matter.

Please accept my very sincere sympathy for Tiffany's tragic disappearance. While I am sure that no one who has not experienced such a loss can fully understand the anguish you have suffered, I do want you to know of our interest and concern. You may be sure that the FBI will continue in its efforts to apprehend whomever is responsible for Tiffany's disappearance.

The President regrets that his official duties do not allow him to respond personally to each person who writes to him. Although he cannot fulfill your request that he autograph her picture, he does sympathize with you in your loss.

Sincerely,

D. Lowell Jensen
Assistant Attorney General
Criminal Division

BY: Philip T. White

Philip T. White
Acting Deputy Assistant Attorney General

[From the Plain Dealer, June 15, 1980]

Aching Parents Fret: Where Is Our Little Girl?

(By Michael K. Frisby)

Surrounded by friends and relatives, Frank Papesh sat in the living room of his Maple Heights ranch house yesterday, hoping his daughter Tiffany, 8, would return home safely after being missing since Friday afternoon.

"It has been quite an ordeal. She is my baby," said Papesh in a cracking, emotional voice. His head lowered into his hands and his face reddened. Concern was evident in the other expressions around the room.

Tiffany's mother, Debbie, 25, sat quietly in the kitchen of the home at 5840 East Glenn Dr., while son Frank, 2, played nearby.

Papesh fears that someone took her because his daughter has never run away or was missing before. Police agree. "You could set a clock by her," Papesh said. "She would ask just to go visit a friend next door."

Tiffany was last seen about 3 p.m. Friday, leaving a nearby Convenient Food Mart at 5820 Lee Rd. The clerk, who knew Tiffany from other visits, told police that Tiffany bought a package of hamburger buns.

No one has reported seeing Tiffany since.

Papesh, 39, said Tiffany went to the store once or twice a day and repeated that she would not go anywhere without asking permission.

"She is a very prompt girl," said Papesh, service manager at Granger Garage Sales & Equipment Inc., 5440 Dunham Rd., Maple Heights.

"No way she would just walk off. Ain't no way. We have searched and searched but there has been no sign of her. The police say they have a few leads, but I don't think it is anything concrete. The store is not a block from the house. You can see it from here."

When the girl was missed on Friday, he said many neighbors helped search the area with him, his son Ricky, 14, and other relatives. Yesterday, the middle-class neighborhood of split-level and ranch houses was quiet and few children were on the street.

The family, friends and police continued searching throughout the city yesterday. Police used tracking dogs and checked every vacant lot and wooded area in the city.

Tiffany, who has brown hair in a short shag, was last seen wearing blue tennis shoes, blue shorts and a red T-shirt, with the message, "Let's face it, I'm cute." She is 4 feet tall and weighs 58 pounds.

Sgt. Dale Canter of the maple Heights police said authorities now believe the Dunham Elementary School third grader is no longer in the city. He said police are trying to follow telephone leads they are receiving, but admitted many are crank calls.

"We are keeping a file every bit of possible information. Our detectives are also out talking to known sex offenders living in the area," he said.

Police ask anyone with information to call 662-1235.

Canter said police are not ruling anything out during the investigation. "We believe there is more to it than just a girl walking away. She was never a problem to her parents and was an A student. There is a definite possibility that she was abducted."

He said no evidence links Tiffany's disappearance with the abduction of a Lakewood girl Friday night. The Lakewood girl, 9 was assaulted, but returned home early yesterday after being missing for about 5 hours. A suspect is in jail.

As Papesh talked, a friend, who had been spent several hours at the store, asking customers if they had seen her, walked into the house.

"I talked to some people who went there yesterday, but they said they didn't see anything unusual or strange," he said.

Papesh sadly replied, "Thanks . . . it was just a shot in the dark."

[From the Plain Dealer, June 16, 1980]

Police Suspend Search for Missing Girl, 8, in Maple Heights

Maple Heights police suspended searching yesterday for missing Tiffany Papesh, 8, of Maple Heights, and the family of the girl said it is becoming desperate though hopeful for her safe return.

Tiffany, whose parents, Frank and Debbie Papesh, live at 5840 East Glenn Dr., was last seen about 3 p.m. Friday leaving a Convenient Food Mart at 5820 Lee Rd. Police said their search through the neighborhood has turned up little evidence.

On Saturday, relatives, neighbors and police used tracking dogs and checked every vacant lot and wooded area in the city.

Lt. William E. Jameson, chief of Maple Heights detectives, said yesterday nothing new has developed in the case, adding, "There has not been one solitary concrete lead."

He said his department is continuing to investigate several telephone leads, though some are apparently crank calls. Yesterday, detectives were put on overtime to interview known sex offenders in the city.

Jameson said the neighborhood search was suspended because it turned up no new evidence and police suspect the girl is no longer in the city.

The missing girl's father said, "We're just getting desperate. But the mood of the family is still optimistic.

Papesh said the spirits of the family have been lifted somewhat by the many calls from friends offering their support. He said several relatives have stopped by the family home to be with them during the ordeal.

Police said they are positive there is no connection between the abduction of Tiffany and that of a 9-year-old Lakewood girl abducted Friday. Lakewood police arrested a 39-year-old Cleveland man in connection with that case Saturday. "As far as we are concerned, the cases are separate," Jameson said.

[From the Cleveland Press, June 16, 1980]

Father's Gift is Unopened as Family Waits for T. J.

(By Carl Remensky)

Frank Papesh won't open the Father's Day gift his children bought for him until his 8-year-old daughter returns home to enjoy the moment with him.

"I won't open it until T.J. comes back. I'm going to wait for her, then it will be Father's Day," a haggard Papesh said yesterday.

T.J. is the family's nickname for Tiffany Jennifer Papesh, who has been missing since Friday afternoon when her stepmother, Debbie, gave her a dollar and sent her to a nearby food store to buy some hamburger buns.

She did not return home to 5840 Glenn Dr., Maple Heights. Police say Tiffany apparently was abducted.

"It was T.J.'s idea. She thought it up and she picked it out," Tiffany's 14-year-old brother, Rick, said of the neatly wrapped gift.

"We went shopping all day Thursday until she found just the right gift and a card to go with it," said Tiffany's aunt, Karen Emch.

Papesch, 39, did open the Father's Day card from his daughter. It featured a character from the comic strip "Peanuts" and a joke about car washing. She had signed it "T.J." in bold, printed letters.

Yesterday's gray, rainy weather matched the mood inside the Papesh home, where Tiffany's parents, relatives and neighbors kept vigil.

Frank and Debbie Papesh sat at the kitchen table, near a telephone. Others gathered around a police scanner in the living room and listened to the crackling radio messages on the Maple Heights channel, hoping to hear first-hand if police had a break in the case.

"We're praying. Praying and going crazy," said Mrs. Papesh, 25.

Papesh has not slept since the ordeal began. His wife managed to doze for a few hours yesterday. Only Tiffany's 2-year-old brother, Frank, has been able to rest.

"Even he knows something's wrong. He asked for her last night and he was out here today, writing a letter to her." Papesh said, displaying scraps of paper with scribbles on them.

It has been difficult for Papesh to sit idly and wait for news. He and friends searched the area, on foot and by car, for his daughter for five hours early Saturday morning. Police finally convinced him he would be better off at home.

"We're just waiting for a call," Papesh said in a thin voice. He spoke slowly, cupping his trembling hands around a cup of coffee and smoking a cigarette. He fought to hold back the tears which welled up in his eyes, bloodshot and puffed by lack of sleep.

"If she gets away, she'll go to a phone or cry to the first person she meets. Put this in your story—maybe the person who's got her will read it. ask them to let her call us and tell us she's OK. Ask them to please do that," he pleaded.

Police said they have no leads in the case. They are asking anyone with information to call 662–1235.

"We've received hundreds of phone calls from all over the area," Sgt. Dale Stahl told The Press. "We've gotten some crank calls, but most of the people are sincerely concerned and want to help however they can."

Police have widely publicized Tiffany's description: 4 feet tall, 58 pounds, with blue eyes and short brown hair. She was last seen wearing blue shorts, blue tennis shoes and a red T-shirt with "let's face it, I'm cute" printed on the front.

"Apparently, that T-shirt slogan is popular. We've gotten reports from people who have seen little girls wearing that shirt from every major shopping center in the county," Stahl said.

A clerk at the Convenient Food Mart, 5820 Lee Rd., told police that Tiffany bought the buns and left the store shortly after 3 p.m. Friday. She is the last person to report seeing the girl.

A German Shepherd tracking dog was released in front of the Papesh home Saturday, and it followed Tiffany's trail to the store, just a block from the home. Her trail ended there.

"Apparently, she was abducted near the store. Someone in a car must have grabbed her," said police Lt. William Jameson.

Jameson said police are not longer searching the neighborhood for Tiffany, instead concentrating on checking out possible telephone leads. Detectives also interviewed known sex offenders living in the area during the weekend.

Jameson said there is no link between Tiffany's disappearance and the abduction and rape of a 9-year-old Lakewood girl Friday night. Police arrested a suspect in that case.

Mrs. Papesh said Tiffany makes the five-minute walk to the food market two or three times a week, either on an errand or to buy herself a treat.

She's very careful . . . she always asks permission to go everywhere, even next door," Mrs. Papesh said. "She's afraid to cross the street (E. Glenn) up by Rockside. She always crosses in front of the house."

Tiffany had been enjoying the sunshine Friday by roller skating on the sidewalk and driveway at her home. She sat on the front steps of the house and removed her roller skates when her mother asked her to go to the store.

"We were going to go camping this weekend, as soon as I got home from work," said Papesh, service manager at Granger Garage Sales & Equipment Inc., 5440 Dunham Rd. "That's why we needed the hamburger buns. She was really looking forward to it.

"She wouldn't have run away from home. She was a very happy child" he said.

Disappearance of Tiffany Still Puzzles Police

(By Mary Jane Snyder)

Maple Heights.—Little by little children are coming out to play again on E. Glenn Drive, where the Frank Papesh family lives.

But now, nearly two weeks after 8-year-old Tiffany Papesh disappeared on a routine shopping errand, police and detectives still have no clues as to where she is.

"We still don't know anything more than we knew last Friday. We haven't found anybody who has seen her since she left that store," said Lt. William Jameson, head of the detective bureau.

Life appears to have settled down now at both the Papesh home and the police station, but it is a deceptive calm. Underneath, there is still anxiety and the nagging question: where is Tiffany?

Papesh, emotional strain visible on his face and in his voice, sat in his living room Tuesday morning. His wife, Debbie, was frying bacon in the kitchen. He has not yet returned to work as a service manager at Granger Garage Sales & Equipment, 5440 Dunham Rd., and does not know when he will.

He still believes his daughter, called T.J., is alive. He would not comment on reports that he received a ransom note requesting $45,000 for her safe return.

He is angry at false reports and innuendos circulated by the news media. This week, reports were aired about his police record, which he says have no bearing on the case. Papesh was arrested once for involvement in a bar brawl.

Papesh is also angry about being taken in by a psychic who last week claimed that God sent her to locate the missing T.J.

Papesh said the woman was brought to him by a policeman, whom he refused to name for fear of jeopardizing the officer's job.

"The officer talked about the woman, the pictures that she had . . . For five days I had had no sleep, my nerves were bad. I finally said, bring her in."

"She had done a lot on her own. She laid her portfolio in front of me. She was the author of seven books. She said God had sent her here," Papesh recalled.

"She didn't ask for any money. She said she didn't want any publicity."

The woman pulled out pictures of the spot where she said Tiffany's body was located. Anxious, the family drove off to the spot at 2:30 a.m. to find it. They found nothing.

Over the weekend, Papesh said, his doctor prescribed a tranquilizer. Finally able to sleep, he said he had a new perspective on the psychic once he woke up. He decided she was a phony. Sunday, he said, he turned the tables on her and used her photographs to make her believe he was physic.

"This woman is a farce. She's writing a book. If she sells a million copies and makes a dime on each one, that's $100,000. What a job," he sighed.

Papesh now says no more psychics will be called in to help.

Papesh says he feels lonely and empty. He pulled out a poster bearing a photo of Tiffany, her description and a plea for anyone who sees her to call Maple Heights police.

He told how on Monday, neighbors came over with a card and small monetary donations. He said he will use the money to have more posters printed in hopes of finding his daughter. "Thank God for friends and neighbors," he said. "It makes your heart melt to see something like that."

The phones are no longer ringing off the hook as they did last week at the Maple Heights police station, but police and detectives are still busy checking clues.

"We're following up on leads, going back, retracing steps to see if there's anything we missed," Lt. Jameson said. "But we have no solid clues as far as anything to work on. I haven't found anybody yet who's seen her since that day. We've had hundreds of people call who say they saw her—they cover the whole state—but nobody saw her in that parking lot."

The lot he refers to is at the shopping plaza at the corner of Rockside and Lee roads. Tiffany was last seen buying hamburger buns at the Convenient Food Mart there.

Lt. Jameson would not comment on the reported ransom note or the FBI's involvement in the case. He said the FBI "probably" wouldn't confirm it, either.

"There has been nothing in Maple Heights that I can recall to my knowledge involving a child of this age. It's very frustrating," he said.

He said no more searches are planned. Three in the first five days following Tiffany's disappearance turned up nothing.

He also said no psychics or astrologers would be called in to assist. He had no comment on the psychic's alleged photos of the alleged Macedonia murder site.

The reports, the astrologers, the psychics and the clues have come and gone, but still, there is no Tiffany.

"But as long as she is missing, we will continue," he vowed.

$50,000 Is Offered for Clues on Tiffany

(By Gloria Millner)

The dogged search for eight-year-old Tiffany Papesh of Maple Heights entered its sixth day today with these developments:

A $50,000 reward for the girl's return to her family was offered by the employer of Tiffany's father, Frank Papesh.

A composite sketch of a suspect—who reportedly had recently approached other girls in the neighborhood where Tiffany was last seen—was being circulated by police.

A massive, five-hour search was carried out by helicopters and nearly 100 police and firemen of Maple Heights and neighboring suburbs but turned up no clues.

Area psychics have been contacting Papesh and his wife Debbie, telling them they are "working on the case," and a relative of Tiffany's reportedly has talked to a Florida psychic about joining the investigation.

"We don't have what we would call a suspect at this time," said Detective Chief Lt. William Jameson, reporting that lead after lead has led to nothing.

Tiffany disappeared Friday after her stepmother sent her to the Convenient Food Mart at 5820 Lee Rd. to buy some hamburger buns. A clerk told police Tiffany left the store at about 3 p.m.

Papesh's employer and close friend, Daniel Dzina, president of Granger Sales and Equipment at 5440 Dunham Rd., has offered a $50,000 reward to anyone who can provide information that will lead police to Tiffany.

Police revealed that they had located a woman whom Tiffany allowed to pass her in the checkout line at the store. The woman and the girl reportedly walked out of the store together. Police said they had determined that the woman was not involved in the disappearance and could not provide any helpful information.

The composite sketch was made of a possible suspect police want for questioning

Looking over reports of two recent incidents in the vicinity of the Papesh home, police noted that the men described in each case were strikingly similar and may have been the same man—white, in the 20s, sandy brown hair, 6 feet tall, 180 pounds.

One report was that such a man was seen loitering near the Convenient Food Mart on May 31 and acted peculiarly in starting a conversation with a teen-age girl.

The other report was that such a man was tagging after a group of teen-age girls not far from the Convenient Food Mart last Wednesday, two days before Tiffany vanished.

Yesterday's exhaustive search of railroad rights-of-way and wooded areas in Maple Heights and neighboring Bedford was organized by Maple Heights Police Chief William Dapsis.

Ninety-one off-duty police and firemen from Maple Heights, Bedford, Garfield Heights, Bedford Heights, Cuyahoga Heights, Cleveland Heights, Shaker Heights, Oakwood and the Cuyahoga County Sheriff's office and members of REACT, a CB radio club volunteered their time.

Assisted by two helicopters from local television stations, the volunteers combed four target areas from 4 p.m. to twilight, but failed to find any clues.

While the search went on, Tiffany's parents, surrounded by friends and neighbors, waited for news at their home at 5840 E. Glenn Dr.

"People are calling us and asking what they can do," said a haggard Frank Papesh. "I've been telling them it's so important to circulate that picture of Tiffany. People have to know what she looks like.

"That's all I can think of * * * all I can see is that face."

Papesh confirmed that he has received calls from psychics who have identified themselves as people who worked on the Arthur Noske case, telling him that they are working on his daughter's disappearance.

Maple Heights police are asking that anyone with information on the case call them at 662-1235.

In 4 Minutes, Tiffany Would Have Been Home

(By Wally Guenther)

Four hundred steps. Four minutes.

That's about all it takes to walk from Tiffany Papesh's Maple Heights home at 5840 E. Glenn Dr. to a Convenient Food Mart around the corner on Lee Rd.

Perhaps the 8-year-old girl skipped along a little faster and took a shortcut through an Arco Service Station at the corner of Rockside and Lee roads.

Today, nobody knows for sure.

Tiffany made it to the store. She purchased a package of hamburger buns. Then she left.

Four hundred steps more, four minutes more . . . she would have been home. But she never made it to her home, just seven houses from the corner of her street. She has not been seen since she left the store.

That was eight days ago and police and FBI agents are still baffled over Tiffany's disappearance. Despite working overtime, checking hundreds of leads and searching scores of wooded areas, police have found no trace of the little girl.

We're grasping at straws now," said Lt. William E. Jameson, chief of the Maple Heights Police detective bureau. "We're not even sure we have an abduction on our hands."

The FBI entered the search on Wednesday when a $45,000 ransom letter was mailed to the Papesh family. It was the first indication—although possibly a ruse—that the little girl may have been kidnapped.

In the letter was a lock of hair, supposedly Tiffany's.

Jameson stood in the Maple Heights police station and shook his head. His red-rimmed eyes revealed the long hours spent on the case.

"I've got a stack of papers on my desk with suggestions mailed to me about where we can find the girl," he said. "Some are from so-called psychics. We check as many as we can."

Two of his detectives volunteered to work off-duty hours to check on those suggestions.

"I don't hold much hope that the psychics will be of help," Jameson said. "For example, one had written that we should walk 35 miles south from the intersection of Rockside and Lee and we'll find the girl."

And it's been eight days of anguish and sleepless nights for Tiffany's father, Frank, and her stepmother, Debbie. And also for Tiffany's mother, Lois Papesh, of North Miami Beach, Fla., who flew here after learning of her daughter's disappearance.

All three volunteered to take polygraph tests, which they passed, ostensibly clearing them of any connection with the disappearance, Jameson reported.

The family is in seclusion.

Today, the glass front doors of the Convenient Food Mart at 5820 Lee Rd. bear pictures of Tiffany—with a Press story about her disappearance, and a note pleading that anyone with information call Maple Heights police at 662-1235.

Inside the store, school pictures of Tiffany sit atop the two cashiers' counters.

Tiffany left the store at 3 p.m. a week ago yesterday . . . four hundred steps to her home that she has not retraced.

[From the Plain Dealer, June 20, 1980]

Ransom Note, Hair Get FBI Into Tiffany Case

(By John P. Coyne)

The FBI entered the search for missing Tiffany J. Papesh yesterday after the 8-year-old girl's family received a note in the mail demanding $45,000 for the youngster's return.

"We believe it is only a crank," a police official said last night. "But we have to check it out, anyway. You grasp at any straw you can."

The ransom note, composed with cut-out words from newspapers, arrived in the mail yesterday at the home of Tiffany's father, Frank, and stepmother, Debbie, 5840 E. Glenn Dr., Maple Heights.

Tiffany had left the house about 3 p.m. last Friday to buy hamburger buns at a store nearby. Police have not found anyone who has seen the girl since she left the Convenient Food Mart at 5820 Lee Rd.

While the FBI and family would not confirm the ransom note, it was learned the letter included a lock of hair, supposedly from Tiffany. The note did not say where the money was to be left, sources said.

Although officials doubted authenticity of the note and hair, sources said the FBI took samples of Tiffany's hair from combs and brushes at the Papesh house and sent them to Washington for tests to see if they match the hair in the letter.

In other developments, Tiffany's mother, Lois, voluntarily took a lie detector test yesterday. Like Frank and Debbie Papesh, Lois Papesh passed, officials said. She came here from her Florida home after receiving word of the disappearance.

The family, desperate for help, has enlisted the aid of psychics and anyone else who might help them find the girl.

Daily Torture of Wondering—"I Haven't Given Up," Tiffany's Father Declares

(By John P. Coyne)

Life has taken a cruel turn for Frank and Debbie Papesh, who are trying to deal with the hard, daily torture of wondering if their 9-year-old daughter is still alive.

Tiffany J. Papesh has been missing three months, and the heartbroken parents are struggling to cope. "I haven't given up," says her 47-year-old father, Frank. But life may never be the same.

Tiffany, nicknamed T.J., left her house at 5840 E. Glenn Dr., Maple Heights, at 3 p.m. June 13 to buy hamburger buns at a store only three minutes away. Police

have found no one who has seen the girl since she left the Convenient Food Mart, 5820 Lee Rd., 93 days ago.

"When she left the store, that was it," said Police Lt. William E. Jameson. "Nothing more."

Score of police searched the area and nearby parks, but turned up no trace of Tiffany, who turned 9 on July 2, her 19th day away. "We've exhausted all leads," Jameson said.

"We work on things as they turn up. But there's nothing pointing to whether she's alive or not."

Waiting gets no easier for Papesh, an employe of Granger Garage Sales & Equipment Inc., and his 25-year-old wife, Tiffany's stepmother. The day after T.J. vanished, they installed an extra telephone and asked acquaintances to call the new number.

The old phone and old number still work, but are kept open in case the little girl should call. The old phone rings from time to time—always by mistake.

"No words can make people understand what all this has been like," Papesh said. "Maybe we'll never find her. That's the horrible part.

"Sometimes I think it would be easier to find out your child was hit by a car than to go through all this uncertainty."

Even though Papesh had scrapes with the law several years ago, he has kept his daughter's case in the limelight by organizing searches and founding People for Justice Committee that lobbies for the death penalty in kidnaping cases that end with death.

"I've done more reading and writing in the past few months than in the last 10 years," Papesh said. His reading list includes the Ohio Revised Code, a work he finds most upsetting.

"A person convicted of arson can be sentenced to 4 to 25 years, but someone convicted of child stealing only gets 1 to 10," he said. "I can't see how crimes against property can be considered more serious than crimes against people."

Papesh took his wife and two sons to Columbus last month to meet Gov. James A. Rhodes and campaign for stiffer penalties. Later, he told reporters, "We want the kidnapers and rapists put in whatever—the gas chamber, the electric chair."

The People for Justice Committee, which now numbers 108, will have its second meeting at 7 p.m. Sept. 29 at the Knights of Columbus Hall, 10808 Granger Rd., Garfield Heights. New members are welcome.

When Papesh is not lobbying, he is pressing police to intensify the search. Police have not done enough, he said. But the public has responded warmly. Last month, 600 people helped comb woods in Bedford for signs of T.J.

"Police aren't following up on everything," Papesh said, "They're choosing what is logical, but it isn't logical that my daughter disappeared. I'm not going to leave any stone unturned."

Papesh even has enlisted help from psychics, although their tips sometimes are offbeat. One claims T.J. is the reincarnated Beverly Potts, a 10-year-old West Side girl who vanished 29 years ago.

A prime suspect in the Potts case moved from Maple Heights to Florida a few weeks after Tiffany's disappearance, but authorities are satisfied he had nothing to do with the newest mystery.

Police also discount any link between Tiffany's case and that of missing 2-year-old Denise Kay Gravely. Papesh recently talked with Denise's father, and offered help and compassion.

"We're just average people," he said. "This has been a complete change in life.

Tiffany's Father Plans Search for Missing Girl

The father of 9-year-old Tiffany Papesh, dissatisfied with the latest search for his missing daughter, is organizing another search of the Bedford Reservation of the Metroparks System.

Frank Papesh wants volunteers to meet him in the picnic area at the Dunham Rd. entrance to the Metroparks at noon Saturday. They will search an area around a culvert near Egbert Rd. where Papesh found a Convenient Food Mart shopping bag Monday night.

Tiffany, of 5840 E. Glenn Dr., Maple Heights, has been missing since June 13. She disappeared after her stepmother, Debbie, sent her to the Convenient store at 5820 Lee Rd., less than a mile from her home, to buy hamburger buns. A clerk told police Tiffany bought the buns, but she never returned home.

Papesh said he found the bag while searching around the culvert at about 5 p.m. Monday after receiving an anonymous telephone tip. A similar call, believed to be the same tipster was received by Metroparks rangers a few hours later.

Eight rangers, a Maple Heights police detective and an FBI agent searched the area for about two hours yesterday morning but found no evidence of the missing girl.

"I don't feel the area was searched thoroughly or properly," Papesh said as he announced his plans for Saturday. "I have not been satisfied with the performance of the various law enforcement agencies involved."

Papesh said he found the food store bag under several inches of leaves and a foot of snow. The bag was empty.

"It had to have been there before the leaves fell from the trees. When I found it I panicked. I waited for the police to get there and search," he said.

No New Clues Found in Search

(By George Petras)

A six-hour search of wooded areas in Bedford and along Tinkers Creek by an estimated 400 volunteers Sunday failed to turn up a trace of nine-year-old Tiffany Papesh—but the absence of clues kept alive hopes of finding safe the Maple Heights girl missing for nearly two months.

Tiffany or "T.J." as she is called by her family, disappeared June 13 on her way back from a neighborhood grocery store to her home at 5840 E. Glenn Dr.

Police and the FBI were frustrated at the complete lack of clues in her disappearance. Telephone tips were the only leads available to police, but these have dwindled to a mere few in recent weeks.

The search was started by Frank Papesh, 39, father of the missing girl. Papesh was joined by volunteer groups of national guardsmen, auxiliary policemen and by ham radio operator clubs, which were responsible for much of the search's organization.

Many of the volunteers who gathered at 10:30 a.m. in the parking lot of Barney's Food Warehouse, 19400 Rockside Rd., Bedford, were ordinary citizens black and white, both sexes and all ages—who had heard of the search through telephone calls and the news media.

"Hopefully," he said quitely over an electric megaphone to the crowd milling about him. "we won't find what we're looking for."

Papesh said he originally anticipated around 100 people to show up for the search. When the final estimate placed the number close to 400. Papesh had trouble verbalizing his feelings:

"It's a very difficult thing to find words to express the gratitude we feel about the turnout. It was much more than we expected; we were overwhelmed and grateful. It's a great thing to know, with all that's happening in society, that there are good people in the world.

"It's been pretty much of a 'why me' experience, but people feeling my pain for me are helping us through. It helps in a tremendous way."

The crowd was broken up into teams of 25 and sent into the wooded fields across Rockside Rd., between Warrensville Center Rd. and Broadway. These woods were chosen as search targets because of the closeness to the Papesh home. Also, Papesh noted: "We chose these areas because they haven't been searched yet. There was a phone call, someone said they heard what sounded like a girl crying."

The searchers were delayed by bouts of heavy rainfall, which turned the target areas into soaking mudfields, humid and alive with mosquitos. Besides the lumps raised by insects, volunteers suffered scratches from thick thorn bushes and bramble trees.

Searchers completed sweeps of their assigned area and began filtering out of the woods around 1:00 p.m. to wait for further instructions. Focus of the search soon shifted to the Tinkers Creek area of the Metropark Bedfork Reservation.

A picnic area served as a meeting place for Rockside searchers and a company of national guardsmen, who were dispatched earlier to search near the creek. Pizza and soft drinks were given to the weary volunteers, who later continued probing the woods near the creek.

The searchers, under scrutiny themselves by the helicopters and mini-cams of local television stations, turned up some articles of clothing and personal effects, but nothing in connection with the missing Tiffany. The search ended shortly after 6 p.m.

Though no sign of Tiffany was found, Frank Papesh indicated his main goal had been accomplished, that he and others proved Tiffany was not in the woods they searched.

Papesh said he had other areas in mind for another search, one a wooded area near Lee Rd. and Turney. "But we'll need to talk to more people out there before we start," he said.

[From the Cleveland Press, July 1, 1980]

A Family Waits, Birthday Comes for Tiffany

(By Wally Guenther)

The doll house was to bring hours of happiness and smiles to the young girl. It was to be a very special birthday gift.

But, today the material to build the doll house sits aside and untouched in the Maple Heights home of Frank Papesh.

Tomorrow is Tiffany J. Papesh's ninth birthday.

It also will mark the 19th day since Tiffany disappeared after leaving a food mart a block from 5840 E. Glenn Dr. home. Vanshed without a trace.

Trembling and choking back tears, Papesh talked about the doll house he was going to build for his daughter.

"I can't put it together now," he said. "It's going to just sit there and wait until she is back home."

Tiffany's birthday, like those of Papesh's two other children. Richard, 14, and Frank, 2, is always a special occasion in their household.

"We intended to have a party for her and have several of her friends over to our house," Papesh said.

"That too will wait."

Tiffany's disappearance has baffled both the Maple Heights Police Department and the FBI, who were called in on the search when the family reportedly received a ransom note about six days after Tiffany disappeared.

The note may have been a ruse.

A search through the Bedford Reservation of the Metroparks system by park rangers, FBI agents and Maple Heights police was futile. There were searches of other wooded areas, and all proved fruitless.

Scores of telephone calls with "tips" proved to be deadends."

"We're keeping our minds open," said Papesh. "We intend to follow every lead."

However, the Papesh household has been living in a nightmare.

Papesh's red-rimmed eyes reveal he has little sleep the past 19 days.

He has not gone back to his job at the Granger Garage Sales & Equipment Inc., in Maple Heights. The firm's president is offering a $50,000 reward for information which leads to the little girl.

Richard has kept much to the house, giving up those romping summer days with his friends.

"He's kind of of in a state of shock," his father said.

Little Frank scrambles around the house, by now knowing his sister hasn't been home for these many days.

Mrs. Papesh is pregnant and getting close attention from her doctor during these emotion-packed weeks. She is due to have the baby next February.

Yesterday, Papesh and a neighbor, Steve Kosarko, of 5846 W. Glenn Dr., drove around Greater Cleveland handing out printed picture posters of Tiffany to businesses.

Papesh, escorted by a news team from Channel 8 which is assisting in the search, came to The Press prepared to have the poster published as an advertisment. The Press refused to accept payment and told the father it would publish the poster periodically as long as the search continues.

The poster reads:

MISSING—REWARD
"T.J." Tiffany Papesh.
8-years-old—4 ft. tall—58 lbs.
Wearing Blue Shorts, Red T-Shirt (Let's Face It, I'm Cute)
Call Maple Heights Police Department.
662-1235.

Today, this is about all that the anquished Papesh can hang onto.

He hopes that someone, somewhere, may recognize Tiffany's picture and recall seeing her.

Then pick up a phone . . . and make that important call.

[From the Cleveland Press, Aug. 11, 1980]

Posse of Hundreds Fails to Turn Up a Trace of Tiffany

(By Carl Remensky)

Hundreds answered Frank Papesh's plea for volunteers to help search for his daughter, Tiffany, missing for nearly two months. As he had hoped, they failed to find any trace of her.

"Hopefully, we won't find what we're looking for," Papesh told more than 400 persons—male and female, young and old, black and white—yesterday before they searched wooded areas in Bedford east of Papesh's Maple Heights home and along Tinkers Creek in the Bedford Reservation of the Metroparks.

The volunteers braved thick, thorn-filled underbrush, thunderstorms, mud, stifling humidity and ravenous mosquitos as they combed the woods. Most emerged from the woods drenched and exhausted. Many were bleeding from scratches and itched from mosquito bites.

"T.J.," as she is known to her family, disappeared June 13 after buying some hamburger buns at a neighborhood food store.

Her disappearance has baffled police and the FBI. Tiffany vanished without a trace, forcing investigators to rely on telephone tips. At first, police received numerous calls each day, but they provided no answers. Now, the calls are few, police said, and the investigation has stagnated.

Yesterday's search, like so many others before it, failed to produce a lead. A few items of men's clothing found in the woods were given to police for examination, but nothing was found which Papesh, of 5840 E. Glenn Dr., recognized as belonging to his daughter.

Papesh, 39, said he anticipated that his call for help, which was publicized in the news media last week, would attract no more than 100 volunteers. He was amazed when more than four times that number gathered in the parking lot of a food store designated as the staging point.

"I've never seen most of them before . . . but they're my friends. They're good people. They've come from as close as next door and as far away as Lorain," said Papesh, with his 14-year-old son, Rick, at his side. Both wore T-shirts with the image of Tiffany and her description on the back. "What if she was yours?" was printed under the picture.

Among the volunteers were groups of off-duty policemen, ex-policemen, radio club members and national guardsmen, but most were concerned parents.

"I just want to find out what happened to the kid . . . I know it's probably driving the father crazy," said Jerry Finfrock of Bedford, whose wife, Dot, joined him in the search. "If it was my kid, I'd sure want to know what happened." The Finfrocks have a duaghter, Denise, the same age as Tiffany.

"I feel I have a need to be here because I have grandchildren her (Tiffany's) age and this could happen to them," said James Wallace of Cleveland. He leaned against his car, reading a pocket Bible, as he waited for the search to begin.

The search ended shortly after 6 p.m., more than six hours after it began, along the banks of rain-swollen Tinkers Creek.

"My entire family can't express in words alone the gratitude we feel for everyone who came out to help. We're trying to find the words but we can't," Papesh said.

He said more searches of nearby wooded areas may be organized.

"I feel we accomplished the main objective today," he said. "I believe with the number of people we sent into that section of woods, we proved that Tiffany was not in there."

Papesh said he wanted to scour that section of woods because a woman said several weeks ago that she had heard a girl crying there shortly after Tiffany disappeared.

"I'm glad we didn't find anything in the woods. I still have hope she is alive somewhere," Papesh said.

[From Front Page Detective]

She Went on an Errand and Never Returned

(By Ed Barcelo)

Maple Heights, Ohio, June 13, 1980.—Frank Papesh considered life tough but good. He had a lot to be thankful for. His second marriage was very successful. His wife, Debbie, slender with long hair, gave Frank happiness and love. More than that, she provided loving devotion to Frank's two children from his earlier marriage, Tiffany, 8, and Rick, 14.

Long hours of hard work led Frank to a supervisory position at Granger Garage Sales & Equipment Inc., in Maple Heights, Ohio.

He directed a work force of 27 people, and his boss was increasingly pleased with his performance. Almost forgotten were the hungry days of his youth. His income had afforded his family a recently-built brick-and-frame house in the suburbs. Nice schools here, he thought more than once. Nice schools and a nice quiet neighborhood. No day-to-day worry about crime in the streets. A kind of place where Tiffany and Rick could grow up and be happy. A lot to be thankful for, indeed. But in a few hours all this would change . . .

Frank kissed Debbie good-bye on the morning June 13, 1980, climbed into his car and headed for work. Debbie, now pregnant, fought off her morning sickness and prepared breakfast for Frank Jr., 2, who was the couple's first child. Minutes later, her stepchildren, Tiffany and Rick, would be bounding into the kitchen, eager to help with the cleaning chores—eager because today was a special day. They were going camping when their father came home from work. The kids and their parents enjoyed driving to distant woods and roughing it; lately, it had become a way of life for them.

By mid-morning the house cleaning was done. Debbie Papesh, little Tiffany and the latter's aunt drove to a nearby shopping plaza to buy odds-and-ends for this evening's camp-out. Tiffany bubbled with excitement, her smile as warm as the June sunshine. She chatted endlessly, thought about all the things the family would do during her summer vacation, and the special fun of tonight's camp-out.

When the Papesh family completed their shopping, they returned home for a light lunch. Following the kitchen clean-up, Tiffany's mother made a mental check to be certain that everything was in readiness for the night's camping trip. Suddenly she realized that nobody had thought about hamburger buns, and she could imagine the moans and groans that would have caused.

Mrs. Papesh called Tiffany, gave her a dollar, and instructed the eight-year-old to run down to the Convenient Food Mart and get the buns. By actual count, this was 400 steps away and Tiffany could walk there in four minutes. And a safe walk it was. Almost no traffic on East Glenn Drive, one of the nicest, quietest streets in Maple Heights. Homes were fairly new and residents' pride was always in evidence—neatly-manicured lawns and carefully tended exteriors greeted the eye.

It was about three in the afternoon when Tiffany bounded down the cement front steps, skipped across the lawn and started down Glenn Drive toward the store. She crossed the street, passed seven houses, including her girlfriend's, before she reached the tall hedges that bordered busy Rockside Road.

Tiffany skipped past the hedges passed the gas station, rounded the corner and entered the Convenient Food Mart. She smiled at the clerks and quickly found the bread rack containing the hamburger buns. The dollar bill clutched in her small hand, the buns in her other hand, she stepped up to the counter. But Tiffany quickly felt the presence of another person behind her in the check-out line—an older woman with several items in her arms—and she politely stepped out of the way and told the clerk, "Let her go first." This single act of courtesy, so unlike many other children her age, was the very thing that made Tiffany so unique, so endearing to elders.

Minutes later, clad in blue shorts, wearing a red T-shirt which read, "Lets face it—I'm cute," 58-pound Tiffany Papesh walked out of the Convenient Food Mart. In her hand was the paper bag containing the hamburger buns. In four minutes, 400 steps, the smiling, pixie-faced little girl would be home. All that simple. But Tiffany Papesh never arrived.

Busy with final preparations for the camping trip, Tiffany's stepmother did not immediately sense the delay of Tiffany's return. When she did become aware of how long it was taking Tiffany to get back from the store, she first supposed that the store was busy or that Tiffany had paused to talk to one of her playmates. But more minutes passed, Tiffany still had not returned and Mrs. Papesh began to worry. She looked out the front door but there was no sign of the child. Tiffany might be inside

a playmate's house; on the other hand, it wasn't typical of Tiffany. When she was sent to the corner store—and she had performed many such errands—the youngster was usually prompt in her return. She always made certain her parents knew where she was, and if she said she was going to visit with a school friend, her father and stepmother could depend on her being there. But remembering all this didn't ease her stepmother's present concern, and because it was so uncharacteristic of the child Mrs. Papesh's fears worsened.

The stepmother phoned two homes on the street, the most likely places where Tiffany might have stopped. But Tiffany was not at either house. The young stepmother again stood at the front door, looking up and down Glenn Drive. It had been 20 to 25 minutes now since Tiffany left for the store, and Debbie Papesh could no longer constrain her anxiety. She picked up the phone and called her husband at his job.

Debbie's worry was quickly communicated to Frank Papesh. Following a few brief words to his boss, the father drove home. He found his wife pale with worry. She and 14-year-old Rick had scoured the neighborhood, she explained, and they hadn't yet been able to find her.

Equally worried, the father drove to the Convenient Food Mart to question the store clerks. The clerks had little difficulty remembering Tiffany. They didn't know her by name, for dozens of neighborhood children made daily pilgrimages to the store, buying pop and sweets, but Tiffany's special brand of courtesy, letting an older woman pass her in the check-out-line, had impressed the clerks. The father's description of his daughter matched their recollections. Yes, she had been here, purchased her hamburger buns and left the store. A cute little girl, they said, and she left the store alone.

The father retraced his steps. He sat at the kitchen table, his hand on the telephone, his worried wife beside him. It was 4:30. Nearly 90 minutes had elapsed since Tiffany skipped off to the store.

"I'm going to call the police," the father said, and he dialed the number. Response came quick. The Maple Heights Police Department, headed by Police Chief William Dapsis, received their usual share of missing children reports. In most instances, the missing children were located at a friend's house or a shopping mall, then safely escorted home. Older children—teenagers—sometimes posed a greater problem in locating, and Maple Heights, Ohio, like all other communities across the nation, had their occasional runaway. But Tiffany Papesh, only eight years old, happy and well-behaved, did not conveniently fit any of the pigeon holes police assign to missing children.

Alarm spread like a swarm of killer bees. The quiet residential streets filled with police cars. The police of bordering communities were notified and joined in the search. Neighbors were quizzed. Strange cars stopped and their occupants questioned. Parents, fearstricken by Tiffany's disappearance, called their children inside. An enemy prevailed and residents asked themselves, "How could this happen here?" Little Tiffany abducted? It was impossible. Not in broad daylight. Not in this peaceful neighborhood, one of the most crime-free suburbs in Cleveland's southeast side. It had to be a mistake.

But it was no mistake. Night fell and there was no word from Tiffany Papesh. Maple Heights investigators questioned Tiffany's aunt. The aunt said what had already been heard. Tiffany was usually punctual, and never before wandered off. "And she wouldn't get in a car with a stranger," the aunt told detectives. "That's why her parents are so worried."

Maple Heights Patrolman David Blauman was as puzzled as everyone else. "There were no problems at home. She's a good student. There's no reason we know that she would run away."

For the Papesh family, this was a night that would never be forgotten. Frank Papesh, muscled and solidly built, who usually wore the powerful, confident countenance of a former boxer, now looked humble and afraid. He sat grimly at the kitchen table, his hand cupped over a silent phone. Tears welled in his eyes. But no call. Not from Tiffany.

Frank's wife Debbie, sick with fear, was no bulwark of strength. But she tried. She re-heated the coffee, comforted her husband, ran to the door to admit more detectives, and tried to calm the children, Rick and Frank Jr.

It was a long night. A night of waiting and a night of questions. Detectives picked the minds of Frank and Debbie Papesh, seeking the smallest helpful detail. But nothing was learned.

Detectives changed shifts. Fresh coffee was brewed, more cigarettes were burned to their ends. The vigil continued. And as midnight came and went and the black night gave birth to dawn, there was still no word on the missing eight-year-old, nor was there sleep for her grief-stricken parents.

But in Lakewood, Ohio, some 12 miles away, news came of another missing child. Nine-year-old Karen Gilmour was reported abducted by a middle-aged man within sight of her six-year-old brother. According to Lakewood police, the two children had been playing in a vacant lot, only 200 yards from their house, when they were approached by a man in a green car. Using a ruse to send the boy off in another direction, the man coaxed young Karen toward his car. Suddenly he grabbed her and pulled her into his car and sped off. The boy reported that his sister was kicking and screaming as the car raced away.

Police speculated on a possible connection between the two cases. But who could say? The variables were as multitudinous as the theories.

While Lakewood Police questioned the six-year-old Gilmour boy about the abduction of his sister, Maple Heights Police intensified their questioning of Frank Papesh. Frank knew that the detectives had probably checked with his employer to ascertain his whereabouts at the time of his daughter's disappearance. That was playing it by the book, something they had to do. Thus, he was not surprised when detectives asked him if he would be willing to take a lie detector test. But the anguished father had nothing to hide, and he was more than willing to submit himself to the police polygraph, as was his wife Debbie. Their thinking was simple: We know this is something the detectives must do; let's get it over with so we can get on with the business of finding Tiffany.

Frank and Debbie Papesh eagerly cooperated with the authorities and took the test. More than this, the parents later submitted to a polygraph test administered by the FBI. The tests were conclusive. The parents had no role in their daughter's disappearance, detectives concluded.

The search continued. Clerks at the Convenient Food Mart were requestioned. What did they remember about the older woman in the check-out line who Tiffany had allowed to pass in front of her? Was she a regular customer? Did she drive a car? Were there any distinguishing features about the woman?

Little was learned, and the news media sent out an appeal to the anonymous woman, begging her to step forward so that the police could question her. She might have observed something in the parking lot outside the grocery store, something that might lead them to the girl's whereabouts. Neighbors of the Papesh family were quizzed, some were given lie detector tests; nobody refused. Detectives pulled record sheets of known sex offenders. One-by-one, the offenders were located and questioned. None was suspected. Slowly, the blank wall grew more awesome.

Particularly puzzling to the authorities was the distance factor. Only 400 steps from Tiffany's home to the Convenient Food Mart. A summer afternoon, a fine residential neighborhood, yet no one had observed anything unusual. No alleyways here. No suspicious-looking derelicts in the area. No woods from which a child molester or kidnapper might have sprung. Just an open street. Seven houses to the corner from the child's house, a short walk past a gas station, then a short turn to the Convenient Food Mart.

The gas station personnel were quizzed, as were employees in the several businesses adjoining the food store. More blanks—nothing.

Speculation was offered that this might be a kidnapping, that a ransom note might soon be received. But the argument against this was that the Papesh family didn't have that kind of money. They lived in a neat middle-class home, sure, but life was no simpler for the Papesh family than it was for thousands of the same ilk. Papesh was an ordinary working man and he and his wife struggled with weekly budgets and knew what it meant to cut corners. A kidnapper bent on a hefty ransom would have chosen a victim living in one of the more affluent suburbs, an area of plush country clubs and mansions staffed with domestics.

Back in Lakewood, Ohio, detectives continued their hunt for the missing Karen Gilmour. Clues were meager. Nothing to go on except the memory of her six-year-old brother who had witnessed her abduction. A green car, two-doors, and the man was in his 40s. The girl's parents were frantic. Her father remained away from work and drove all over the westside, hoping to see such a car. Lakewood Police, as well as forces in the surrounding suburbs, were alerted. Hours passed and prayers went unanswered, and Karen Gilmour's parents wondered if their daughter had met the same questionable fate as little Tiffany Papesh.

But at 1:45 a.m., 29 hours after her abduction, nine-year-old Karen Gilmour walked out of the darkness and approached the front porch of her Lakewood home. Her father, unable to sleep, was sitting on the steps of the porch. Choked with emotion, unable to believe it was really his daughter, he ran to her, clutching her in his arms and sobbing with happiness.

Little Karen cried. In broken sentences, she told her father and mother all the things that the man did to her. He had taken her to a motel, forced her to take her

clothes off, then violated her small body with a host of sexual acts too gross to describe. And minutes ago, the man drove her to within a few blocks of her home, then let her out of the car.

Wisely, Karen's parents did not question her. Let the police do that, they thought. The most important thing right now was getting their daughter to a hospital for treatment.

Rushed to Lakewood Hospital, medics determined that the youngster had been raped. Detectives were summoned. At 3:45 a.m., following treatment, the freckled-face youngster was questioned. Great care and not a little child psychology were employed. Ease the trauma but gain valuable information was the task of Lakewood Police Chief Charles C. Petro and two of his detectives. And a difficult task it was.

Fortunately, little Karen had a good memory for details. Propped up in a dimly-lit room away from the emergency area, swabbed by antiseptics, Karen again described the sordid drama. She remembered everything, even part of the man's license plate number.

Armed with this information, Lakewood Police Captain Glen Walker and his detectives, most of them working double shifts, began phoning motels west of Lakewood. In all, nearly a hundred motels were called. Perseverance paid off, however. A clerk in a Lorain, Ohio motel remembered the man and the little girl. As a matter of motel policy, the clerk had recorded the man's license number.

Captain Walker hurriedly ran the number through the police computer. Minutes later, he had a print-out in front of him. The print-out provided Captain Walker with the name of a Westside Cleveland man. The car was described as a green two-door.

At 6:10 a.m., the suspect, Charles Reddy, was taken into custody as he emerged from his apartment and headed for his car. He surrendered without incident and was subsequently charged with rape and abduction. A search of the suspect's apartment yielded nothing new, nothing to link him with the disappearance of Tiffany Papesh. Neighbors described the accused child rapist as "a quiet man who never made any trouble."

On the other side of town, anxiety grew for the Papesh family. There was still no word on Tiffany. Not a single clue. Frank Papesh had heard about the little girl in Lakewood, how she was set free and found her way home, and he thought, wouldn't it be a blessing if Tiffany (T. J., as he nicknamed her) came up the walk at this minute? Or phoned. Or if there was some word of her. Just anything to give hope.

Maple Heights Lieutenant William E. Jameson, chief of the detective burea, knew the anxious grief of the Papesh family. He had pressed every single man on his force into service and many of them were working overtime. Hundreds of leads had been checked and scores of wooded areas were searched, but there was still no trace of the little Tiffany.

Lieutenant Jameson said, "We're grasping at straws now. We're not even sure we have an abduction on our hands." He added he didn't know what to think. But suddenly a mailman injected new drama into Tiffany's disappearance.

On June 18, 1980, five days after Tiffany had vanished, her family received a ransom letter in the morning mail. Detectives were present when the letter arrived.

Frank Papesh tore the letter open. The message was made up of block letters cut from newspapers and pasted on a sheet of notebook paper. Also pasted to the paper was a lock of hair. Frank Papesh trembled as he read the message. He later remembered that detectives had to pry his fingers apart to get the letter. Paraphrasing the letter from memory, Papesh said the note read:

"Papesh, we have your daughter, Tiffany. Have 40,000 cash. Involved police, death will happen. Will phone Saturday."

For a moment, no one spoke. For the Papesh family, there was a surge of hope. Tiffany was unharmed. Alive.

But Frank Papesh suddenly shuddered. Forty-thousand dollars! Where would he get *that* kind of money? He wasn't wealthy; he wasn't even close to wealthy. A working man. But still * * * somehow, some way * * *

Authorities studied the thatch of hair attached to the letter. It was dark like Tiffany's. The envelope was addressed with a ballpoint pen, bearing a Cleveland, Ohio cancellation mark, mailed the day before in the p.m.

Tension and excitement ran high. Quick discussions took place. The ransom note, valid or not, now made this a kidnapping, which would draw the FBI into the case. And the investigators and members of the Papesh family all agreed that absolute silence would be maintained on this latest development. Not a word was to be passed to the news media, for Tiffany's life might well depend on it.

20-051 O - 83 - 5

Maple Heights Police Chief William Dapsis placed the ransom letter in FBI hands. Meanwhile, the Papesh family struggled with the formidable worry—how to come up with $40,000 in the next 72 hours.

Four hours after the ransom note was delivered, and after total secrecy had been agreed upon, a Cleveland televison station told the entire story. Watching the news telecast, Frank Papesh pounded his fists in disbelief.

Enraged, he phoned the television personnel and verbally castigated them. He had later verbal confrontations with local newspaper publishers, who picked up on the telecast and widely publicized his receipt of a ransom letter. No one cared to reveal their news source, and although gentle apologies were offered to Papesh, the damage was done.

Saturday came and went and there was no further word from the author of the ransom note. And was this ransom note a valid one or a hoax? According to Papesh, the FBI offered the opinion that the note was valid. This conclusion was allegedly reached after samples of Tiffany's hair, taken from her brushes and combs, were sent to Washington, along with the hair attached to the ransom note.

But a Maple Heights police official believed otherwise. "We believe it is only a crank," he said. "But we have to check it out, anyway."

And according to Frank Papesh, an expert from the Cuyahoga County Coroner's Office, who preferred anonymity, said, "Human hair does not have the unique individuality of fingerprints. An expert may be able to say that the hair found on the ransom note bears striking similarities to Tiffany's hair—the color, texture, diameter—but no jury would accept this as incontrovertible evidence that the ransom hair is hers."

Was this ransom note a hoax, then? Was the glimmer of hope only a perverted trick? No one could say with absolute certainty, and the news media, had blown the opportunity of ever finding out. The resultant publicity might have frightened off the kidnapper; in any event, no further word was received from Tiffany's purported abductor.

Behind the scenes, Maple Heights Detective Ron Arko certainly qualified as an unsung hero. He spent hundreds of hours, much of it off-duty time, checking out new leads. One such lead concerned the attempted abduction of a 12-year-old Maple Heights girl which had taken place in August 1979, not far from the Papesh home. According to the girl, now 13, she and her girlfriend were cutting through a field, returning to their bicycles parked on a bordering street. A man, described as tall with sandy blond hair and wearing sunglasses, sneaked up on the girl and grabbed her around her neck with his arm. But the girl managed to struggle free, get on her bicycle and escape. The attacker was never found. Other persons in the neighborhood had recently reported seeing such a man, but house searches and further surveillance proved futile.

Frustration mounted, but no one gave up. Papesh's employer and close friend offered a $50,000 reward to anyone who could provide information that would lead police to Tiffany. A massive, five-hour research was conducted by helicopters and nearly 100 police and firemen of Maple Heights and surrounding suburbs. A composite sketch of a suspect—who reportedly had recently approached other neighborhood girls where Tiffany was last seen—was being circulated by investigators. Many area psychics had contacted Papesh and told him they were working on the case. But when all was said and done, Maple Heights Detective Chief William Jameson could only say, "We don't have what we would call a suspect at this time."

The officer's remark alluded to the sketch of the man who had approached other young girls in the area. Tipsters were able to provide the Maple Heights lawmen with the name of a man fitting the description of the sketch. This 16-year-old suspect was subsequently located in a Brecksville, Ohio hospital. The man had been in and out of the hospital several times in recent months and he did resemble the sketch. But the records revealed that he was hospitalized at the time Tiffany disappeared, and police were satisfied that he had nothing to do with the case.

Of the psychics who had invited themselves into the investigation, Frank Papesh was extremely skeptical. He said, "It's a desperation move. I don't know if they have powers or not. My mind is open to anything."

Certain now that someone had taken his daughter because she had never run away before or was missing. Papesh said, "You could set a clock by her. She would ask just to go visit a friend next door. She's a very prompt little girl. No way she would just walk off. Ain't no way."

Meanwhile, Tiffany's real mother arrived in Maple Heights, having driven from her home in Florida. The mother answered detectives' questions, submitted to a polygraph test, ultimately convincing the lawmen that she had nothing to do with Tiffany's disappearance.

Police also located the elderly woman who had been in the check-out line at the Convenient Food Mart on the afternoon Tiffany disappeared. The woman recalled Tiffany's polite manner, letting her pass ahead, but she could not offer any clue to what happened to Tiffany when she left the store. No one else could, either.

Days passed. New anguish was written on the faces of Tiffany's parents. Their neat suburban home had been turned into a veritable hell-hole. Detectives, FBI agents, psychics, news media personnel and well-intentioned neighbors tramped in and out of their house, giving it a bus-station likeness. Frank Papesh's life had become a living nightmare. He was too worried to go back to work, too desperate to sleep, and all he could think about was T.J.'s safe return.

Maple Heights Detective Chief William Jameson was as a loss. He had been with the bureau for 19 years and never tangled with so baffling a mystery. "We're following up on leads, going back, retracing steps to see if there's anything we missed. But we have no solid clues as far as anything to work on. I haven't found anybody yet who's seen her since that day.

"We've had hundreds of people call who say they saw her—they cover the whole state—but nobody saw her in that parking lot."

Psychics, most of whom invited themsevles into the investigation, provided bizarre but worthless predictions. In one instance, a woman psychic, insisting she knew where Tiffany could be found, led the police officers to the Macedonia woods, six miles to the south. The search was futile. Another psychic, who described herself as a messenger from God, offered Papesh photographs of her visions. Clearly, the woman was a fraud. Still another psychic, this one nationally-known, spent time in the Papesh home, interviewing the parents, touching Tiffany's clothing to key herself to "psychic vibrations," finally offering a certain day when a signficant event would occur, which would finally break the mystery. But the day came and went and nothing of any significance happened.

Frank Papesh, tolerant but skeptical of self-proclaimed psychics, announced that he had had enough of their kind. "One of these psychics didn't want any money for her act, but she written *seven* books. She gets on television talk shows, gets pages of free newspaper publicity, and if she sells a million copies of her latest book and only gets a dime a copy—what a living!" Papesh said testily. "As far as I'm concerned psychics are nothing but whacky leeches who prey on other people's heart-breaks."

As was expected, the $50,000 reward money brought dozens of tips, all of them worthless. The money also invited attempted fraud. Police received two anonymous phone calls from a girl who professed to have knowledge of Tiffany's disappearance. Police managed to trace the third call, and the caller was a 13-year-old Maple Heights girl with no real knowledge of the mystery, but who envisioned the $50,000 reward somehow falling into her lap.

But there were brighter sides. Dozens of neighbors donated small amounts of money to the Papesh family, enabling them to purchase additional posters of Tiffany, which were then distributed and displayed at commercial outlets around the city. *The Cleveland Press* generously offered to periodically publish Tiffany's picture, hoping it would elicit a clue. Hundreds of citizens volunteer their time and effort during summer searches of neighboring parks and woods, for which the Papesh family was extremely grateful.

Unfortunately, not a shred of evidence was turned up. Despite the combined efforts of the FBI and local law enforcement agencies, long hours and sleepless nights by Maple Heights Detective Ron Arko, as well as untiring dedication of other Maple Heights lawmen. Tiffany's disappearance remained as baffling as ever. Longtime Clevelanders compared to nine-year-old's vanishing to the puzzling disappearance of 10-year-old Beverly Potts, in 1951.

Beverly Potts walked out of Westside Cleveland's Halloran Park playground on the night of August 24, 1951, after watching a city-sponsored free entertainment show. It was 9 p.m. when she left the playground and started home. But Beverly was never seen again.

Her disappearance caused an intensive search throughout the state. The story of the missing girl fired national interest. But no trace of the girl was ever found. But ironically, a strong suspect in the Beverly Potts case now lived in Maple Heights. He was questioned but could not be linked to the disappearance of Tiffany Papesh.

Coming on the heels of Tiffany's disappearance, two other Cleveland children disappeared. On August 28, 1980, Denise Kay Gravely, less than three years old, disappeared from her Westside home. Reportedly, the infant was last seen on a nearby street, in company with another youngster, thought to be about five years old. Police speculated that the Gravely child might be the victim of a child-theft ring. But investigators were without a single clue.

Equally baffling to Second District Cleveland police was the strange disappearance of 14-year-old Tammy Seals, on October 17, 1980. At 5:30 a.m. on that day, clad in a striped long-sleeve sweater and blue jeans, Tanny Seals set out to deliver newspapers on her *Cleveland Plain Dealer* route and never returned. The teenager's half-filled newspaper bag was found on the other side of the street, a few doors from her home. Ten of her newspapers had been delivered; 23 were still inside the bag. Her necklace was found in a nearby playground, and that was the extent of the clues. No screams, no witnesses, nothing.

By coincidence or design, the missing teenager lived only a few short blocks from the site of Denise Kay Gravely's disapperance. The newsgirl was a straight-A student, just as punctual and well-behaved as missing Tiffany Papesh.

Second District Detective Lieutenant Robert Schroeder grimly commented about the Seals case, "I'd say this one looks pretty bad. We thought we were on to something when people on John Avenue (parallel to Tammy's street) reported they heard screaming around the time the girl disappeared. But we determined it was the search party they heard calling out Tammy's name.

"Then we thought we had something when the girl's necklace was discovered near a manhole in the playground of William Dean Howells Junior High School. But there's no way of knowing how long it had been there. She hung around the school a lot and could have lost it there at any time. It's sheer speculation that she lost it there while struggling with an abductor. But I still can't understand why no one heard a scream. Wouldn't she have screamed? But we can't find anybody who heard or saw anything helpful."

The same void existed in the disappearance of Tiffany Papesh. And might it be that attractive Tammy Seals had run away?

Lieutenant Schroeder answered, "I'd say the odds are something like 95 percent abduction, 5 percent runaway. She wasn't the kind of girl who would do that. And there were only the regular rivalries at home, nothing major."

In Greater Cleveland alone, over 4,000 people disappear each year. Nationwide, the figure is said to be in excess of two million. Of this vast figure, many are children. Some return, some are slain, and still others are never heard from again. Tiffany Papesh, Denise Kay Gravely and Tammy Seals have tentatively been placed in this latter category.

Seeking insights, this writer spent nearly six hours in the home of Tiffany Papesh. Her father was gracious enough to submit to two lengthy interviews, and he desperately hopes that the publication of this article will cause a reader—someone who might know something—to contact the Maple Heights, Ohio Police Department, (216)-662-1235. *Papesh reminds readers that the $50,000 reward offer is still open, should such information lead to Tiffany's whereabouts.*

Six months have now passed, as of this writing, since smiling, pixie-faced Tiffany Papesh left her three-bedroom ranch home in Maple Heights and skipped her way to a grocery store that was only four minutes away. Maple Heights Detective Ron Arko has made a painstaking study of the miniature shopping plaza that housed the Conveient Food Mart. Six businesses are located in this plaza, and Arko has spoken to all the employees. He has made a meticulous study of the traffic in and out of the parking lot on a typical Friday afternoon, determining that in an average one-hour watch, more than 100 persons enter and leave the shopping plaza. Consequently, Detective Arko believes that someone—someone who knows something—must have seen Tiffany as she left the store. If that someone would come forward and volunteer their information, it might provide police with a clue to what happened to Tiffany.

The nine-year-old's errand took her past an Arco Service Station, at the intersection of Rockside and Lee Road. Presumably, the little girl cut across the station's apron as she headed for the store. But her passage went unnoticed by service station manager Bill Calton, who told police, "We were too busy to notice her. Cars were coming in three or four a minute that afternoon."

Perplexed, frustrated at every turn, Maple Heights Detective Chief William Jameson said, "If she had been grabbed and forced into a car, she should have been able to scream. And with all the people who should have been around the area, you would think a scream would have been heard. No one has reported hearing such a scream."

Which leads to the next theory: Did Tiffany get into a car driven by someone she knew?

"If she had, it would be nothing out of the ordinary to persons in the parking lot," Jameson said. "It would just be another little girl coming out of the store and getting into a car."

Frank Papesh has nightmares about the first theory. He does not believe the second.

"Tiffany would not willingly enter a car," Papesh said sternly. "We always warned her not to get into cars, even if it was some adult she knew."

"But if she were forced into a car at the shopping plaza, wouldn't someone have noticed it?" this writer asked.

Baggy-eyed from loss of sleep and nervous exhaustion, Papesh said, "I don't believe that's where it happened."

He explained that there were tall hedges at the corner of the street, where East Glenn Drive meets Rockside Road. A car might have been parked there. The tall hedges would have afforded the would-be abductor a certain amount of protection. Using some pretext, the person might have coaxed Tiffany to the car. The person could have grabbed her and pulled her into the car. "Don't forget," Papesh said, "she weighed only 58 pounds."

Bitter with psychics, now skeptical of the ransom note, Papesh sadly admits that he has little hope of ever finding his daughter. "But they haven't yet found her body, and until they do there is still a prayer."

Swallowing his tears, Papesh said, "But life has to go on."

To that end, Frank Papesh has returned to work. He's on the job six-seven days a week, frequently working 10 to 12 hours. His son Rick, a polite and bright-minded youth, has been exceptionally supportive. And Frank's wife Debbie has been a godsend. Despite their grief and the fact that she's carrying their second child, Debbie has provided an emotional fulcrum, cared for the house, and been admirably exact in her role of wife and mother.

His daughter's abduction, Papesh solemnly states, has been an educational experience of tall proportion. For instance, he has learned how woefully inadequate are the state laws concerning crimes against children, particularly felonies such as rape, kidnapping and murder. This knowledge, coupled with his daughter's disappearance, has made Frank Papesh an angry man. He is sick and bitter about plea bargaining, reduced sentences and shock probation, a judicial system that too often allows dangerous felons a quick release from prison, letting them prey again on helpless citizens.

"Laws ought to be made for the victims, not the criminals," Papesh said hotly, and in hopes of correcting what he sees as gross inadequacies in the state's legal system, Papesh and hundreds of concerned citizens have recently formed an organization called People For Justice Committee. The sole purpose of this group is to persuade state legislators to enact a tougher death penalty law and to put teeth into presently existing legislation. Now armed with a state charter, the group regularly meets and corresponds with lawmakers, judges and law enforcement personnel. As Chairman of the group, Papesh recently met with Ohio's Governor Rodes. Rhodes, a family man himself, praised the group's efforts and wished them good luck. Of missing Tiffany, the governor expressed his deepest prayer for her safe return.

Ten months have now passed since little Tiffany left her suburban home and skipped off on an errand to the grocery store, then vanished. Christmas has come and gone and her presence is sorely missed. Waiting for Tiffany are her stuffed animals and yellow-spreaded bed; unworn as a closet of neatly hung dresses and jeans and gay-colored sweaters. Anxious and never giving up, their missing daughter never far from their conscious thoughts, are Frank and Debbie Papesh, extraordinary parents who have suffered more grief than they can possibly recount.

As of this writing, there have been no solid leads to explain the whereabouts of these three Greater Cleveland girls: Tiffany Papesh, now 9; Tammy Seals, 14; and Denise Kay Gravely, 3.

A triple tragedy is the way Frank Papesh sees it, and it is why Papesh and his People For Justice Committee are laboring so hard to enact a tougher death penalty law, one that will permanently rid the city streets of killers and kidnappers.

Anyone having any information on Tiffany Papesh is urged to contact the Maple Heights Police Department, 216-662-1235. And all readers should pray for the safe return of these three missing girls. Perhaps it will help.

(EDITOR'S NOTE.—The names Karen Gilmour, Charles Reddy and Bill Calton are fictitious and were used because there is no reason for public interest in their true identities.)

Senator SPECTER. Now, we would like to call as our next and final witness, Mr. Oliver B. Revell, Assistant Director, Criminal Investigative Division of the Federal Bureau of Investigation.

20-051 O - 83 - 6

Mr. Revell, we appreciate your joining us this morning. We appreciate the advance text of your statement. It will be made a part of the record in full and the practice of the committee is to request that the statement be summarized, so that we can have a maximum amount of time for questions and answers.

STATEMENT OF OLIVER B. REVELL, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION, ACCOMPANIED BY DREW CLARK, UNIT CHIEF, PERSONAL CRIMES UNIT

Mr. REVELL. I would like to have Mr. Drew Clark, who is Chief of the Personal Crimes Unit, FBI Headquarters, join me, if I might.

Senator SPECTER. Yes, by all means, Mr. Revell. Welcome.

Your name, sir, again?

Mr. CLARK. Drew Clark, Chief of the Personal Crimes Unit Criminal Investigative Division, FBI Headquarters.

Mr. REVELL. Mr. Clark has direct program responsibility for the Federal kidnaping statute.

Senator SPECTER. Well, we are pleased to have him here with you, Mr. Revell, and you may proceed.

Mr. REVELL. Thank you.

Senator, as you stated, my statement has been submitted for the record, and I notice that Mr. Walsh, among others, has already read it. I will not bother to read it into the record, because I think it is fairly self-evident that the people who are concerned, as well as the Senators, have read what I have to say.

I would point out that we are an agency of limited jurisdiction; that we do not have police powers per se; that the jurisdiction that we can undertake and do undertake is granted to us by the Congress and by Executive order; and that we make every attempt within our available jurisdiction and available resources to fully and effectively carry out the mandate of Congress and the executive branch.

I know of no subject that is more compelling or heart rending than the kidnaping or assault or murder of children. I would also point out that there is no Federal statute against the murder of children, and there are thousands murdered every year. There is no Federal statute against the assault or the sexual abuse of children. We have no jurisdiction in those areas, either. We do have jurisdiction when there is an abduction of a child and the interstate transportation of that child, and we do a very effective job in those cases. I could sit here and cite you case after case we have solved, we have recovered the child, in many instances, we have returned the child to the parent, and we have obtained the conviction of the offender.

Our dilemma is that many children, including young children, are not abducted. They wander off, they are lost, they are taken by relatives, or there is some other type of situation that occurs that clearly is not within the statute or the mandate of the Federal kidnaping statute.

I would simply point out that where we have an indication that a child has been abducted or taken, and where we have an indication of a Federal violation, the resources and the expertise that the

Bureau can offer and can invoke in these cases are put into full play, and we work these cases at a very high priority.

We do not have the capability or the jurisdiction to search for each missing child. I do not know the accurate statistics; I do not think anyone does. But some reports I have seen indicate that there are 1 million children a year who at one time or other are reported missing.

Senator SPECTER. Health and Human Services estimates 1.8 million.

Mr. REVELL. And perhaps 10 percent end up being missing for more than an appreciable period of time——

Senator SPECTER. The statistics we have from the FBI are that 50,000 are concluded to have been abducted.

Mr. REVELL. Senator, I do not know where that statistic came from, but——

Senator SPECTER. It comes from Senator Hatch's statement, which we put in the record earlier today.

Mr. REVELL. OK. I have not——

Senator SPECTER. He attributes it to the FBI. So the question to you is, is Senator Hatch accurate?

Mr. REVELL. I do not know. I know that we have approximately 16,000 children in the NCIC missing persons file. I do not know where the 50,000 came from. I would have to check with Senator Hatch's staff to see where that statistic came from. I do not personally know.

Senator SPECTER. We would be interested if you would follow up on that and ascertain the accuracy or inaccuracy of that statement.

Mr. REVELL. I do not argue with it; I simply do not know the basis of it. I do know that we have a number of kidnap cases that we are investigating.

Senator SPECTER. I am informed, Mr. Revell, that the 50,000 figure comes from the FBI estimates to the Congressional Budget Office, and that it has been furnished to Senator Hatch from staff, based on that estimate by the FBI to the Congressional Budget Office.

Mr. REVELL. All right. If that is correct, then I would have to see the basis for the formulation of those statistics. I personally am not aware of the factual basis of that. It may be accurate.

Senator SPECTER. We would appreciate your following up on it.

Mr. REVELL. All right.

I have heard the statements of two of the three witnesses this morning, and I have heard some things that disturb me greatly. Obviously, we as an organization do not want a callous attitude on the part of our agent personnel toward any type of offense or potential offense, and if that has occurred or is occurring, then we want to take corrective action.

I do believe that the policy—and we have furnished to the committee the policy—on the implementation of the Federal kidnaping statute is a reasonable one, given——

Senator SPECTER. Mr. Revell, you have commented about the cases, and this might be as good a time as any—but you proceed in your opening statement as you see fit—to comment about the statements which were made.

Staff had advised you a couple of weeks ago that these three cases would be presented here today, so you have had some notice.

Mr. REVELL. Right.

Senator SPECTER. Are you in a position to comment about the testimony which has been given here by Mr. Papesh, Mr. Walsh, and Mrs. Burton?

Mr. REVELL. I only heard part of Mr. Walsh's statement, and then I heard Mr. Papesh's full statement. In Mr. Walsh's case, the FBI made immediate contact—and when I say "immediate," as soon as it came to our attention—to make the determination as to whether there was any evidence of an abduction and any other indication that would allow us, under the 24-hour presumptive rule, to enter that case. I know that the office maintained a liaison with the police agencies. I know that there was a very intensive investigation——

Senator SPECTER. When you talk about a 24-hour presumption, isn't that rule flawed when you consider the fact that after 24 hours, many vibrant leads may have grown cold?

Mr. REVELL. Well, Senator, as you know, that is a requirement of the statute. Unless there is evidence of interstate transportation present——

Senator SPECTER. Well, that is one of the things that we are considering changing; is that a sound rule. We can make modification of that, and that is the purpose of our hearing.

Mr. REVELL. I believe that if there is evidence of an abduction, it is a hindrance to the effective investigation to have to wait for any period of time. But that statute was passed in order to maintain the primacy of the States in the enforcement of the criminal laws and to have the Federal Government enter only where there is a clearcut indication that there was interstate commerce or interstate travel involved. So I think that is a judgment that Congress has to make, as to whether or not time and history have now shown that the purpose of that particular provision is archaic and no longer in the best interest of the country.

But we are required to abide by it—it does not mean that we cannot conduct a limited inquiry at the outset of the receipt of information about the abduction of the child. We can, and we do. But we do not have any jurisdiction absent a determination of some evidence of interstate travel or transportation——

Senator SPECTER. So that you are saying you are not really limited to waiting for 24 hours?

Mr. REVELL. We are not limited as to the conduct of a limited inquiry. We are limited into the conduct of a full-scale investigation.

Senator SPECTER. Within 24 hours, you really cannot conduct a full-scale investigation in any event.

Mr. REVELL. That is correct.

Senator SPECTER. You could probably do as much under a limited inquiry proceeding within 24 hours as you can do under a full investigation, can't you?

Mr. REVELL. No, not really. Let us take a hypothetical case. Let us say that we had a kidnaping in St. Louis, Mo. and we had a ransom note that was postmarked in East St. Louis, Ill. Then we would move into that case on the basis of a full investigation, with

the entire utilization of our resources in that particular area, without any other evidence of an interstate aspect. If we had any evidence of an interstate telephone call, or if there was any basis of sightings and so forth, these would all be indications that would allow us to move into the case——

Senator SPECTER. Well, why can't you do that in a preliminary investigation?

Mr. REVELL. Well, the preliminary investigation is to determine if we have a jurisdiction, and it is limited under the Attorney General's guidelines to ascertaining——

Senator SPECTER. But there is no limit to the number of resources you can deploy in the preliminary investigation.

Mr. REVELL. No, but there is a limitation as to what we can do and what resources we can utilize.

Senator SPECTER. And yet, my office was told that sightings were not taken into account by the Miami FBI office in the Adam Walsh case; that the sightings were not enough to get involved.

Mr. REVELL. I think, Senator—if you have a sighting, you have a lot of publicity about a situation. You are going to have hundreds of phone calls, the vast majority of which are going to be either inaccurate or spurious or from individuals with good intentions, simply seeing a child of a similar description.

A sighting would have to be evaluated by the capability of the individual to observe the child in sufficient detail, to have an accurate description, and so forth. You cannot judge a sighting as being precise unless you know the full facts around it.

If we had a situation where the description, the age, the clothing, any identifiers that were sufficiently specific, then I think in the judgment of the agents, they should proceed on it, and that would certainly be my intention, that they do proceed on it.

Senator HAWKINS. Do you give directives to your local offices to do that? In Adam's case, the local office said that the numerous sightings were not sufficient; they would not enter it at all. Who makes that judgment call?

Mr. REVELL. The agent assigned to the case and his supervisor, essentially, will make that judgment. If it is brought to the attention of Headquarters—for instance, if the police agencies believe that there should be further Federal pursuit, and there is disagreement locally, we at Headquarters certainly would adjudicate that.

The problem is that in the Walsh case—a very tragic case and one which has received a great deal of attention which it deserves—there, of course, was no Federal jurisdiction.

Senator HAWKINS. Are you aware that the Justice Department, before this very subcommittee stated that a child of tender years could be presumed abducted and therefore the FBI has the authority to become involved at once——

Mr. REVELL. Senator, what I was referring to is that the ultimate outcome of that case demonstrated that there was no Federal jurisdiction—not the fact that we could not have entered the case.

Senator HAWKINS. Well, I do not know that you could conclude that. Maybe you have more experience than all of us. But I do not know where that child was the 10 days he was missing. I mean, he could have gone and come back.

Mr. REVELL. That is not an element of——

Senator HAWKINS. You know, as Mr. Walsh said, they could have flown away and flown back. He was found 180 miles away from his home.

Mr. REVELL. Well, that is not an element of speculation; that is an element of proof in a case. You have to prove Federal jurisdiction, just as you have to prove the elements of a crime.

I think in the Adam Walsh case that, in the first place, there was no evidence of abduction, except the fact that the child was young, was in a shopping center, was apparently excluded from a store because some other youngsters were involved in playing games and so forth, and the child was sort of pushed out onto the street——

Senator SPECTER. But Mr. Revell, you do not have to prove jurisdiction to bring the FBI into a kidnaping case like you have to prove the elements of a crime. You are not representing that?

Mr. REVELL. That is correct; no, I am not. I am saying that in the prosecution of any perpetrator, in the Walsh case or any others, you would have to prove the jurisdiction.

Senator SPECTER. Well, but that is quite a different matter as to what you prove in court in a criminal prosecution from what has to be established to provide an investigative basis for the FBI.

Mr. REVELL. That is correct.

Senator SPECTER. I just wanted to be sure that there is no misunderstanding on Senator Hawkins' question.

Mr. REVELL. The ultimate outcome of the case is what I was referring to, Senator.

Senator SPECTER. Well, but there again, as Senator Hawkins points out, you cannot be sure what happened to the boy from the time he was missing until the time he was found. He could have crossed State lines. But more fundamentally, there are presumptions which are engaged in, and there are ways of getting the FBI into a case without the kind of positive proof that there has been a crossing of State lines.

We are not looking for that jurisdictional proof to get the FBI into a case.

Mr. REVELL. That is correct. Crossing a State line is a presumption after 24 hours if there is evidence of an abduction.

Senator HAWKINS. I just think that in your testimony, there is a great conflict between policy and practice. We have testimony in our records from previous hearings that a child of tender years can be presumed abducted, and you do not have to have proof of anything. The testimony before this subcommittee was that we can presume a child of tender years has been abducted. Take Adam's case for instance, where it is speculated by the police that he did go out with that group of children because they were rowdy—but then where did he go? Here is a child who has never even crossed the street alone, and he is of tender years. Now, I do not understand the conflict in the testimony before the subcommittee prior to today that the Justice Department can presume that the child was abducted if he is of tender years, and your statement today that there has to be some proof of interstate—that he has crossed State lines—or a ransom note postmarked from another State.

I think we are influencing parents of missing children to send a ransom note to themselves, or have their aunt send a ransom note.

Mr. REVELL. Senator, I did not say you had to have those; I said those would be indications that would be sufficient. Obviously, you are not going to have those in all cases. Some children are abducted for no monetary gain whatsoever. They are abducted because an individual wants to have a child; they are abducted for sexual abuse; they are abducted to sell on the black market. There are many reasons that a child can be abducted, and ransom in many instances is not involved. I was simply citing for you certain indications that would be sufficient, not as a matter of what would be required to get us into the case.

It is my position, and I believe it is consistent with the policy of the Bureau, that where a child is missing under circumstances which would indicate the likelihood of an abduction, that we can enter that case on a preliminary inquiry basis immediately, and in 24 hours, conduct a full investigation.

That is the policy of the FBI. If the field is not following that in any particular situation, then I would be very interested in correcting that situation. That is our policy.

Senator SPECTER. Mr. Revell, are you familiar with the letter from Mr. O'Connell, of the Office of Legislative Affairs, to me, dated June 15, where he says—and this is on line with Senator Hawkins' question about children of tender years—this is what the letter says:

> With regard to children of very tender years, however, we believe that in many cases an abduction may be assumed so as to warrant an immediate preliminary investigation by the FBI.

Now, my question to you is, is it your understanding that existing FBI standards make the fact of tender years a critical determinant on an immediate preliminary investigation?

Mr. REVELL. In that precise language, it is not. I think a reading of the guidelines, the policy, where we call for a determination—obviously, if you have a 9-month-old infant in a crib, he did not get up and leave that crib on his own, and if there is no indication of kidnaping by a parent or another family member or something of that nature, then I believe there should be a presumption that there has been an abduction.

Senator SPECTER. But what you are saying is that up to the moment that I read you that statement, you had not been aware that the Department of Justice regarded the tender years factor as an important determinant on the immediate investigation requirement?

Mr. REVELL. I had not seen that particular letter, no.

Senator SPECTER. A very germane case is the case of Ryan Burton, where Mrs. Burton has testified about a 3-year-old child who was in a crib that required a foot-pedal to lower the side. The background of the child was that she did not stray, in her home at night. You had known that we were going to inquire into the Burton matter.

Mr. REVELL. Yes.

Senator SPECTER. Mrs. Burton has testified that the FBI refused to enter the case. What did you find when you took a look at the Burton case?

Mr. REVELL. I would like Mr. Clark to comment on that. He has reviewed the case in its entirety, including the field office file on the case.

Senator SPECTER. Mr. Clark, would you state your full name and position for the record, please?

Mr. CLARK. Yes, Senator. My name is Drew Clark, spelling, D-r-e-w, last name Clark, C-l-a-r-k. I am the Unit Chief of the Personal Crimes Unit, FBI Headquarters.

Senator SPECTER. And you have reviewed the case involving young Ryan Burton?

Mr. CLARK. Yes, I have, Senator.

Senator SPECTER. And could you direct your attention first to the question as to when the matter first came to the attention of the FBI and what its first action was on entering the case if in fact the FBI did enter the case?

Mr. CLARK. All right, sir. In the Burton case, the FBI, upon learning of the existence of this matter, was in contact with the local police department. When we made contact with the local police department, we were advised at the outset by them that they could find no evidence of abduction in this matter.

Senator SPECTER. My question to you is when did you first learn about the Ryan Burton case.

Mr. CLARK. When did we first learn, sir—we were notified on September 6, 1981.

Senator SPECTER. Well, that is the day when the abduction occurred.

Mr. CLARK. That is correct.

Senator SPECTER. Now, did the FBI accept the conclusion from the Breckenridge Police Department that there had been no abduction?

Mr. CLARK. At that particular time, we did.

Senator SPECTER. Why? Is that a finding which the FBI ought to defer to the Breckenridge police?

Mr. CLARK. As Mr. Revell explained, in these matters the FBI is looking for a jurisdictional basis upon which to enter a matter, and we key in on whether or not we have at least reasonable indications or other evidence of an abduction.

Senator SPECTER. Well, was the FBI informed that there was a 3-year-old involved here, who had been in a crib where the side had been lowered by a foot-pedal so that the 3-year-old could not have left the premises on her own power?

Mr. CLARK. Senator Specter. I cannot speak to the detail of the foot-pedal. However, the other facts, as you mention them, we were aware of.

Senator SPECTER. Well, that is a critical factor, Mr. Clark, because the question that you pose is whether there was any evidence of an abduction, and the question is to what extent did the FBI check behind the conclusiory statement of the Breckenridge Police Department. That is my question.

Mr. REVELL. Senator, I do not believe that they did, very frankly. I think that they accepted the findings of the police——.

Senator SPECTER. Have you reviewed this file, Mr. Revell?

Mr. REVELL. I have reviewed the summary of it, yes, and I see no indication that they went beyond the conclusion of the police that there was no evidence of an abduction.

Senator HAWKINS. You just stated for the record, Mr. Revell, that you were unaware of the Justice Department policy or statement before this committee that they could presume that a child of tender years—and I think 3 years of age is tender years—has been abducted?

Mr. REVELL. I have not seen Mr. O'Connell's letter——

Senator HAWKINS. And you are head of the Department.

Mr. Clark, are you aware of this statement?

Mr. CLARK. I have not seen Mr. O'Connell's letter before either, Senator Hawkins. However, I would like to point out, in the copy of our policy, which we furnished this subcommittee, that we do address the fact that in a special section of our policy guidelines promulgated to our field offices, we address the fact that there are to be other considerations afforded disappearances or kidnapings of minors. And we specifically point out therein that, for example, a ransom demand is not required. So we are not——

Senator SPECTER. Well, that has recurred consistently in the findings of the subcommittee, that your agents in the field believe that a ransom note is an indispensable prerequisite for FBI jurisdiction.

The first question is, have you observed that your field agents do believe that a ransom demand is a requirement?

Mr. REVELL. We have cases I can cite to you that I have right here where there was no ransom demand, but we recovered the child.

Senator SPECTER. OK. But has anybody told you of cases where there was no ransom demand, and your field offices refused to enter into the case?

Mr. REVELL. Well, of course, in the material you furnished, there were some indications——

Senator SPECTER. That is the same point that Mrs. Burton brings me a message on, with respect to what the Breckenridge police say. She says the Breckenridge police did not tell you that there was not an abduction; they said they did not know whether or not there was an abduction. And saying there is no evidence of an abduction is not to say that we investigated the case, reviewed all the evidence, and concluded that there was no abduction. It is to say that what we know of the case, there was no evidence of an abduction which was called to our attention, which means there could have been plenty of evidence, but none that they knew about.

Mr. REVELL. That the police knew about.

Senator SPECTER. When you take the statement, "no evidence of an abduction," that tells you either a great deal or absolutely nothing. It depends upon what the factors are behind that investigation.

So, when you say you have a lot of cases where there is an investigation without a ransom note, that does not say whether or not the FBI frequently declines to get into cases where there is no ransom note.

Mr. REVELL. Senator, you have 3-year-old children—and I have four children, and I have had 3-year-old children who have wandered off—and I know that these circumstances are not the same, but the——

Senator HAWKINS. Have you ever had a child leave between 1 a.m. and 8 a.m. at night?

Mr. REVELL. At night, no. All I am getting at is the fact that the local police on the scene are able to tell us whether there are any indications of an abduction. We are not able to respond to the literally hundreds of thousands of children who are reported missing, so we must be able to rely upon the police for a preliminary indication as to whether there is any basis for us to respond to that case. So this is simply the first screening.

Now, obviously, if the police have not done their job well then we may be misled, but then we can be brought into the case when there is an indication.

Senator HAWKINS. It seems that that would be of primary importance. When you get the message from the local police maybe you have a checklist to ask the local police, "Did you finger-print the windowsill? Did you fingerprint the front door? Did you fingerprint the crib at the top? Was there any dust or anything on the foot pedal?"—if they do not volunteer that. I mean, it looks to me like professional law enforcement people of highest caliber, which we have always believed the FBI to be, would not just accept the local police officers' assumption that there was no abduction. It is incomprehensible to me that anybody over the age of 6 would believe that a 3-year-old would disappear at night out of a crib, the side of which had to be lowered in order to get out, and the child could not, absolutely could not, do it herself.

The local police say there is no evidence of abduction, and the FBI say OK. The first thing I would expect from the FBI would be to verify that the local police have done certain things. I know you have a lot of turf troubles, but all the local police we have talked to want to know whether they did everything right. They want to circle the wagons. When the FBI was created, we did not have this epidemic that we are having now. I mean, it is absolutely an epidemic, and we all know it. You say there are hundreds of thousands of cases you cannot get involved in. But it seems to me that when a mother is making numerous long-distance calls to an agent in another city saying, "I need help, I need help, I need help," and it is a 3-year-old child, you could make the determination as Mr. O'Connell made, that the FBI can get involved in all cases of tender years.

Mr. REVELL. I take the position that in the Burton case there was an ample basis for our office to involve themselves from the outset. I think it was a mistake in judgment not to have done so. I was trying to explain to you why they perhaps did not do so. There is the exercise of judgment and discretion in determining when you should enter these cases, because we cannot do it on a 100 percent basis. We simply could not do it.

Senator SPECTER. How can that be corrected, Mr. Revell?

Mr. REVELL. Well, I think we have to take the experiences in these cases, we have to reexamine the statement of policy and our dissemination of that information to the field, I have to discuss it with the agents in charge to make sure that they appreciate and understand what the policy is——

Senator SPECTER. How about the Papesh case? Was a sufficient response given, in your judgment, by the FBI?

Mr. REVELL. In the Papesh case, the FBI made the inquiry without being notified when we heard it on the news, of the local police department, and——

Senator HAWKINS. When you heard the news about the ransom?

Mr. REVELL. No, no, on the day that the kidnaping or the disappearance occurred. We determined from the local police that at that time they were treating it as a missing person report.

The case was followed on a preliminary basis by the Bureau office there, until such time as the extortion letter was received, and at that time, a full extortion investigation was instituted, and some fairly substantial investigation conducted.

Mr. Clark might be able to fill in more details on that.

Senator SPECTER. Well, my question to you was did you conclude that the FBI response in the Papesh case was adequate?

Mr. REVELL. A 9-year-old child en route to a store—I believe she was 9 at the time——

Senator SPECTER. Eight.

Mr. REVELL [continuing]. Eight—and was then missing. That child could have been abducted, probably under the circumstances we see today, was abducted. There are many, many 8- and 9-year-old children who are not abducted who are missing for periods of time, who are either lost or go off with other children, or do a lot of other things. And it may sound like we should always presume that the worst has happened, but in the vast majority of the cases, the worst has not happened, and the child is found within a fairly short period of time, or at some later time, a natural tragedy has occurred.

Senator SPECTER. Is it your conclusion that the FBI response there was adequate?

Mr. REVELL. I think the FBI response there was adequate under the circumstances and the lack of any indication of abduction at that point.

Senator SPECTER. What about the practice of giving lie detector tests to the parents, like Mr. Papesh, the brother-in-law and sister-in-law, and the mother? Do you find in a significant number of cases that people in that relationship to the abducted or missing child have lied in some material way as to be a big indicator in helping your investigation?

Mr. REVELL. That is not a policy. That is an investigative decision. And of course, the taking of a polygraph is entirely voluntary on the part of any individual.

Senator SPECTER. Well, now, I do not know about that, Mr. Revell. You have a father who has had a child missing—I would not call that voluntary.

The use of a polygraph is a very sensitive matter and found to be very offensive by a lot of people. I have been in law enforcement for a long time——

Mr. REVELL. Yes, I know you have.

Senator SPECTER [continuing]. And there is a real question in my mind when I hear about a 10-year-old being given a lie detector test, and I hear about a father being given a lie detector test. It would seem to me that you would have to have some very sound basis for doing that, in terms of having found in a significant number of cases that people like that lie——

Mr. REVELL. Well, in the Papesh case——

Senator SPECTER [continuing]. Excuse me, excuse me, I am not finished—so that it is useful for the FBI in a very meaningful way to have that incursion into privacy to do that sort of thing.

Mr. REVELL. In the Papesh case, I believe that Mr. Papesh was not given a polygraph on the basis of the abduction of the child, but on the basis of the receipt of the extortion letter.

The polygraphing of a 10-year-old child, I do not approve of. I did not know that occurred, and if it did occur, and if it was given by——

Senator SPECTER. Is it correct, as Mrs. Burton has asserted, that there was a polygraph of the 10-year-old child?

Mr. CLARK. Sir, I would have to doublecheck our facts, whether that polygraph was conducted by the Federal Bureau of Investigation or local——

Senator HAWKINS. Did you not review the case? I thought they reviewed the case.

Mr. CLARK. It was FBI.

Senator SPECTER. It was FBI?

Mr. CLARK. It was FBI.

Senator SPECTER. And was that a proper exercise of discretion in your opinion, Mr. Clark?

Mr. CLARK. I agree with Mr. Revell. I would have serious reservations with regard to a 10-year-old's polygraph.

Senator SPECTER. Are there any written guidelines for use of polygraph by the FBI? There must be some somewhere.

Mr. REVELL. Yes, there are.

Senator SPECTER. And what do they say about kidnaping cases, abduction cases?

Mr. REVELL. They do not specifically address kidnaping cases. They address criminal investigation per se, and under what circumstances the use of the polygraph is appropriate, and under what controls and standards it may be used. But that applies across-the-broad spectrum of criminal investigations.

Senator SPECTER. Was Mr. Papesh subjected to two polygraph examinations?

Mr. REVELL. I do not know, sir.

Senator SPECTER. Mr. Clark?

Mr. CLARK. It could have been two, sir. I do not know the exact count. I know he was polygraphed, as Mr. Revell said, in connection with the extortion matter.

Senator SPECTER. Mr. Papesh, were you polygraphed on one occasion, aside from the issue of the ransom note?

Mr. PAPESH. Two days after Tiffany disappeared, I was asked to take a polygraph test at FBI Headquarters——

Senator SPECTER. That was before the ransom note was in the picture?

Mr. PAPESH. Yes. That was in regards to if I knew the whereabouts of my daughter.

Senator SPECTER. All right, so that was before the ransom note.

Mr. PAPESH. That is right. And I was also asked to take one when we received the ransom note, in reference to the ransom note.

Senator SPECTER. Mr. Revell, do you know if it is standard policy to give a polygraph——

Mr. REVELL. It is not standard policy.

Senator SPECTER [continuing]. Prior to the entry of a ransom note?

Mr. REVELL. It is not.

Senator SPECTER. It is not. But there are no FBI directives on this, specifically. Do you think there should be?

Mr. REVELL. No. I think it should depend upon the judgment of the agents and the supervisory staff as to what circumstances—there are a number of instances where there is parental involvement, very unfortunately, in the disappearance of a child. Most children who are murdered are murdered by the parents or family members or friends of the family. That is an unfortunate fact of life——

Senator SPECTER. Wait a minute—murdered by the parents, or the family?

Mr. REVELL. Or members of the family, or friends or associates of the family; in other words, people who have involvement——

Senator SPECTER. And what is your evidenciary basis for that assertion?

Mr. REVELL. Well, I do not have a statistical basis, but that is the basis of my experience, that that is the case.

Senator SPECTER. Well, there is a loose generalization in the crime field that 70 percent of murders are committed by family or friends.

Mr. REVELL. Correct.

Senator SPECTER. That is a very loose generalization, from what I have seen.

Mr. REVELL. Yes.

Senator SPECTER. But I have never seen the statistic on children. Children pose a little different situation. The murder of adults arise in sexual arguments, arise in barroom brawls among friends, arise in a wide variety of contexts of disagreement and argument. Now, there are cases of child abuse which lead to homicide, but I have never seen any assertion based on statistics that children are murdered by parents or relatives or friends.

Mr. REVELL. Senator, I am taking the same statistic that you are talking about that 70 percent of homicides are by friends, associates, and so forth, and applying that to children. I do not have a precise number, but my point was not the number. My point was that there are a very substantial number of cases where children are killed and assaulted and so forth by relatives and by close associates of the family.

Senator SPECTER. Mr. Revell, do you have any idea how many of these polygraphs reveal that a parent or a friend or an associate, those who are subjected to the lie detector test, are in fact, involved in the abduction or murder of a child?

Mr. REVELL. A particular statistical number?

Senator SPECTER. Yes.

Mr. REVELL. No, I do not.

Senator SPECTER. I think it would be useful if you could look toward that issue to see, in aid to the committee, whether that is so or not. You have a lot of polygraphs which are given, and I think it

would be very informative to this committee, and it might be for the FBI, in terms of determining your own policy on whether you ought to have some guidelines as to some preliminary indicators, and not simply leave it to the unbridled discretion of the people in the field as to whether lie detector tests are going to be given.

Mr. REVELL. I would like to point out, Senator, that we do not refer to them as "lie detectors;" and we use a polygraph as an investigative aid, not as a determiner of fact. It is used primarily to give direction in a particular line of inquiry, and there are instances where the polygraph has been inaccurate, and we do not accept it as a final determinant. It is simply an investigative tool or an aid. And in addition, it is not used as a matter of practice in kidnaping cases; it is only used when there is a determination by the local agent in charge that there is a basis to use it, and then it is given on a voluntary basis on the part of the person who is taking it.

Senator SPECTER. Mr. Revell, it may be that the cases we have seen are not typical, but what we have heard about the use of the polygraph today, in circumstances which I would suggest require further inquiry by someone——

Mr. REVELL. I will be glad to do that.

Senator SPECTER. And I fully understand that a polygraph is a more diplomatic name for a lie detector test, and that it is not admissible in court, and that it is not conclusive as to whatever indicators of deception are found, and that it is an investigative tool, and very frequently, people break down before they take a polygraph examination. But in the circumstances that we have heard about today, there is a question about the judgment, and standards might be useful, and that would depend upon your experience.

Mr. REVELL. I agree with that, and I think the polygraph is coercive, and I think it should be used sparingly. But when we are talking about the potential of determining whether a child has been kidnaped, abducted, or murdered and so forth, and there are indications that perhaps there is some involvement on the part of people closely associated with the child, I think it behooves us to take that particular——

Senator HAWKINS. How do you presume that? I mean, everyone who has testified before this subcommittee and my subcommittee have all had to take lie detector tests; every parent has had to take a lie detector test. It must be applied across the board.

Mr. REVELL. I do not think everybody has had to take a polygraph test from the FBI in these cases that you have cited.

Senator HAWKINS. I want to back up while I am thinking about this. You told Senator Specter earlier, that it took 3 months before you became involved in the Ryan Burton case?

Mr. REVELL. In an active investigation capacity, yes.

Senator HAWKINS. Why did it take that long? Mrs. Burton said a half dozen FBI agents turned up on her doorway 3 months after she had been calling and calling and calling and calling. Do you know any of the particulars?

Mr. REVELL. Well, the case is still pending, so I am going to have to be careful with what I say. But certain information was received that allowed the agents involved in that investigation, or that inquiry, to make a determination that there was a basis for the

Bureau to become involved and to conduct a full-scale investigation.

Senator HAWKINS. Were there interstate sightings?

Mr. REVELL. No, it was more specific than that, but it did involve some potential of interstate activity.

Senator HAWKINS. So, you were presuming.

Mr. REVELL. Of course. There has to be presumption until we have the evidence. But we can make those presumptions, and the policy allows us to make those presumptions, and we should make those presumptions when there are sufficient indicators there to base them on.

Senator HAWKINS. But I believe we have already agreed that it ought to be early on, not 3 months later.

Mr. REVELL. Absolutely; particularly with a child of tender years.

Senator HAWKINS. When we were talking about lie detector tests—which I find offensive in this kind of situation also, as does Senator Specter—are fingerprints necessary? The sooner you get a fingerprint, is it better; is it a better fingerprint?

Mr. REVELL. A crime scene search is much more effective if it is done at the closest possible time to the crime itself.

Senator HAWKINS. Do you know whether you fingerprint, or do you give them a lie detector test first?

Mr. REVELL. Fingerprint who?

Senator HAWKINS. I mean check fingerprints at the scene of the crime. Is it your policy to check fingerprints, or do you leave that to local police?

Mr. REVELL. You cannot check fingerprints unless you have a suspect.

Senator HAWKINS. I mean check the window, check the crib, check the door——

Senator SPECTER. Wait, did you say you cannot check fingerprints until you have a suspect?

Mr. REVELL. You can lift latent prints.

Senator HAWKINS. That is what I am talking about.

Mr. REVELL. OK. You are talking about the process of lifting the prints.

Senator HAWKINS. Yes. I want to know whether you lift fingerprints in a kidnaping case, or whether you give a lie detector test first?

Mr. REVELL. Well, in the first place, we do not give a lie detector test, or polygraph test, as a standard procedure in a kidnaping case. The processing of the crime scene in an abduction or kidnaping generally has already occurred by the local police officers. If there is a determination then——

Senator HAWKINS. Let us back up. In the Burton case, there were none lifted. When you entered the case 3 months later, did you know that those fingerprints had not been lifted?

Mr. REVELL. I do not specifically know that myself, no.

Senator HAWKINS. But wouldn't it be very important that that be done at once?

Mr. REVELL. It should have been done at once, at the time of the initial report. There should have been a crime scene investigation.

Senator HAWKINS. And according to Mr. Clark's review of of this case, was it ever done?

Mr. CLARK. Senator Hawkins, perhaps if I could explain that in the initial contact that we had with the local police department in the Burton case, one of the things that we would automatically have said and that the chief of police there would have known, probably, from past contacts with us, is that whenever we contact them in the case of a missing person or possibly a local abduction, that we automatically offer our complete services. In other words, if the local police department should happen to come upon a lead in another State, we will assist them in getting that lead covered by a local police department in that jurisdiction.

Also, we offer them the complete services of the identification division and our laboratory division. That would have gone without saying, that at the initial contact on September 6, 1981, with the chief of police there, he would have been offered everything the FBI could do then and there, short of investigating the case.

Senator HAWKINS. Do your records show that it was turned down, that the FBI offer of services was turned down by the chief of police of the Breckenridge Police Department?

Mr. CLARK. Senator Hawkins, our records reflect that we made the contact, and we advised the chief that we were available to assist him, and that he told us at that time that there was no evidence of abduction, that it was a missing-persons matter as far as he was concerned.

Senator HAWKINS. And yet, we will review one more time, that we have testimony before this subcommittee that it is policy of the Justice Department to presume an abduction of a child of tender years.

Now, it seems to me that when the chief of police tells the FBI that there is no evidence of abduction, the FBI should tell the chief of police that Justice Department policy is that there is a presumption of an abduction.

Mr. CLARK. Yes, Senator Hawkins. Now, Mr. Revell has addressed the issue of the "tender years" language; thus far the Department of Justice, to my knowledge, has not communicated this language nor any policy considerations attendant thereto to the FBI. We will be most happy to address this.

Senator HAWKINS. So it has not been distributed.

Mr. CLARK. No, ma'am, it is not addressed at this point so that it is a part of our nationwide policy with regard to tender years.

Senator HAWKINS. You would recommend that it be done?

Mr. CLARK. As Mr. Revell said, this period of introspection for us is causing us to reexamine our entire approach to these matters, and we will certainly take that under consideration.

Senator SPECTER. I would like to ask you a question, Mr. Revell, based on some excellent staff work. On preparing for this hearing, they reviewed newspaper clippings, going back to the New York Times on July 27, 1933. The headline of the Times is "Roosevelt Orders War on Kidnaping by Federal Forces." I am not sure how many times prior to that declaration of war Presidents had declared war with somewhat greater ease on crimes than under the constitutional mandates. But the dateline is Washington, and it says, "President Roosevelt in a conference today with Attorney General Cummings, instructed the Department of Justice to make an intensive study of recent kidnapings throughout the country

and to report on the advisability of creating a super-police force to check the growth of organized crime.

"'We intend to spend as much money as needed and when needed to fight kidnaping and punish the criminals,' the Attorney General said."

Do you think that objective has been realized?

Mr. REVELL. No.

Senator SPECTER. What specific suggestions would you have to the Senate, to this committee, as to what changes ought to be made in the law, realizing that you started off your testimony saying that the FBI is an agency of limited jurisdiction, limited resources, limited manpower? How can we help you, either by statutory changes or otherwise, to do a better job in directing your efforts on the kinds of cases which we have heard about here today?

Mr. REVELL. Well, I believe that the Justice Department and the Bureau have to do a better job in screening and determining those cases that we should enter on our own.

I think that you have commented on the 24-hour presumptive rule. I do not know that that is a great impediment to us, because as you pointed out, under a limited inquiry, we would be doing most of what we are able to do after the 24-hour presumptive period has lapsed anyway, but perhaps that would be an area that could at least be examined.

We do have, and will continue to have, very limited resources. As Senator Hawkins pointed out at one time—I believe it was not Senator Hawkins, but Mr. Walsh, in his testimony—we have fewer agents than the Los Angeles Police Department. We have approximately 7,000 agents in the field, throughout all 50 States and several foreign posts. We cannot go out and respond to every report of a missing child. We would be doing nothing else—as important as it is.

So we must have certain indicators that we can rely upon——

Senator SPECTER. Is there no statutory change you would like?

Mr. REVELL. I do not believe a statutory change is necessary, Senator, unless you want to wipe out the interstate aspect, which I do not think would be constitutional, because I believe that we can enter cases when there are sufficient indications of jurisdiction to do so.

And I do not know what else could be done absent the presumption of interstate travel——

Senator SPECTER. Within your Department, there is one lead, and that is to inform your agents about the factor of tender years, which you now know about.

Mr. REVELL. Correct. And that is in our policy, but it is not precisely stated. It is simply one of those considerations, and I think we need to do a better job in that area.

Senator SPECTER. And there could be better dissemination of information on the aspect that you do not have to have a ransom note, which appears to be in the minds of many in the FBI as a requirement before the FBI can get into the case.

Mr. REVELL. And that is only one indicator.

Senator SPECTER. Right, but you can get into it——

Mr. REVELL. Absolutely.

Senator SPECTER. Absent a ransom note.

20-051 O - 83 - 7

Mr. REVELL. And we do.

Senator SPECTER. And you don't.

Mr. REVELL. We do.

Senator SPECTER. You do and you don't.

Mr. REVELL. Well, sometimes, perhaps people only hear part of what is said, and I'm not saying that they have never been told that, but perhaps in explaining jurisdiction, that is one of the things that is explained——

Senator SPECTER. What we would like to do is we would like to make our staff materials available to you, so that you can have the benefit of our investigation.

Mr. REVELL. That would be very helpful.

Senator SPECTER. And we would appreciate it if you would review those materials and respond to us as to rethinking the issue of statutory change, and consider further what specific guidelines could be given by way of supplement, generally, and on the issue of the polygraph examination, which we have gone over with you——

Mr. REVELL. Do you know whether the committee has precise information on how many of these individuals have been polygraphed?

Senator SPECTER. Yes, we do.

Mr. REVELL. I would be very interested in that.

Senator SPECTER. That will be provided to you. But the testimony today was, as we have indicated to you, that Mrs. Burton, her 10-year-old son, Mr. Papesh, on two occasions. But I think that this kind of followup would enable us to move ahead.

Any further questions, Senator?

Senator HAWKINS. I would like to know if to your knowlege, there is a point system in the FBI. Do you get so many points if it is a La Cosa Nostra pickup; do you get a point if it is a Senator you are investigating, or do you get so many points for a Congressman? To your knowledge, is there a point system in the FBI?

Mr. REVELL. No, ma'am, there is no point system. We have certain priorities. We have national priorities, organized crime, white-collar crime, foreign counterintelligence, and terrorism. Within certain case criteria, we have priorities. Kidnaping of anyone is a priority case, period.

Senator HAWKINS. What rank? Do they give it a number?

Mr. REVELL. No, ma'am, there is no number. It simply is a priority case. It receives whatever resources are necessary to cover the leads that are existent within the case.

Senator HAWKINS. Are you ever notified by someone higher up and does that order then move it up higher in priority?

Mr. REVELL. Well, the Attorney General ordered us into the Atlanta murders and abductions, and of course, we expended approximately 29 man-years, over 65,000 hours of investigation, on those cases. There again, there was no specific criteria to indicate that there had been a Federal violation, and in fact, we never found a Federal violation. But the Attorney General made the determination that it was in the national interest that we enter that case on a presumption, and we did.

Senator HAWKINS. Thank you.

Senator SPECTER. Thank you very much, Mr. Revell and Mr. Clark, and we will be in touch with you further.

[The prepared statement of Mr. Revell follows:]

PREPARED STATEMENT OF OLIVER B. REVELL

I appear before you today in response to your request for testimony about the FBI's role in investigating the disappearance of young children.

If you will permit me to begin on a personal note, I, as a parent, appreciate the work you and other Members of Congress are performing to focus the Nation's attention on the tragic problem involving the thousands of children every year who run away, are kidnaped, or who simply disappear.

As an FBI official, I am pleased to have the opportunity to discuss the Federal statute on kidnaping, as well as the Attorney General's guidelines and the Bureau's policies pertaining to our efforts to enforce that statute.

The law to which I refer is, of course, the Federal Kidnaping Statute, Title 18, United States Code, Section 1201. There are three essential elements. A person must be unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away without his or her consent; and, the person must be held for ransom, reward, or otherwise; and, the person must be transported in interstate or foreign commerce.

This same statute provides that the interstate or foreign transportation element may be presumed if the person has not been released within 24 hours. The statute specifically excludes cases in which a parent seizes or kidnaps his or her minor child.

It is the FBI's responsibility to evaluate each and every report of a kidnaping to determine whether or not the Bureau should initiate an investigation. In some cases, the

facts are all too clear. A distraught parent notifies the FBI that his child is missing from an upstairs bedroom and a ransom demand for the safe return of the child is found in the infant's crib. A crude ladder remains propped against the side of the house. In a case such as this, the Bureau's duty is as clear as are the facts, and the full investigative resources of the Bureau are employed to seek the safe return of the victim and to identify and apprehend the kidnaper.

In other cases, the facts are not so clear. A child is missing, but there is no ransom demand and the evidence is ambiguous as to whether or not there has been an abduction. Under the "Attorney General's Guidelines on Criminal Investigations of Individuals and Organizations," the FBI quite properly may institute an investigation only when there are facts or circumstances that "reasonably indicate" a Federal criminal violation has occurred, is occurring, or will occur. While the "reasonable indication" standard is less than probable cause, it does require specific facts or circumstances indicating a violation. When there is less than a "reasonable indication," the Guidelines do not require the FBI to stand idly by if there is some factual basis demanding action. In such situations, the guidelines permit the Bureau's conducting a "preliminary inquiry."

Preliminary inquiries are undertaken solely to obtain information necessary to make an informed judgment as to whether or not an investigation is warranted. Once the facts ripen to the "reasonable indication" standard -- and they can in minutes or hours or days -- an investigation may be instituted. If, on the other hand, the preliminary inquiry fails to develop sufficient facts to meet the "reasonable indication" standard, the inquiry is terminated and no investigation is undertaken.

Applying these principles to the hypothetical example I presented a moment ago, the FBI would institute a preliminary inquiry in an effort to determine whether or not an abduction had taken place. If the inquiry does disclose evidence of abduction, the Bureau would inititate an investigation of the highest priority even though no ransom demand had been made.

If the preliminary inquiry failed to disclose facts indicating the missing child had been abducted, the FBI would have no authority to initiate a full investigation.

That does not mean the FBI would do nothing. Special Agents are instructed to maintain liaison with local authorities to ensure the Bureau is notified immediately if information is developed that a kidnaping has taken place. Furthermore, the full resources of the FBI's Laboratory and Identification Divisions are available to local authorities. The child's name and description could also be placed in the National Crime Information Center Missing Persons File. The Bureau will handle out-of-state leads when asked to do so by the local authorities, performing such tasks as acquiring, locating, and transmitting various records to the responsible local law enforcement agency, and verifying the location of an individual whom the local authorities desire to interview. The Bureau provides these services to the local agencies without charge.

It is not surprising in any case, including a missing person or non-Federal kidnaping matter, for many of the officers in the municipal, county, or state agency to have received training by Special Agents of the FBI, or for an officer to seek the assistance in a distant city of one of his or her classmates at the FBI National Academy. Through our training programs, the Bureau often assists in the investigation of cases long before the crime has been committed. In any

event, when the Bureau has no authority to conduct a full investigation, the FBI does make its services available to its fellow law enforcement officers.

I certainly can understand how a parent who has suffered the dual agony of not only having a child disappear, but also not knowing the fate of that child, can cry out, "I don't care about the distinction between preliminary inquiries and full investigations, and I am not concerned about jurisdiction. I simply want the FBI to help me find my child and I don't understand why it will not."

The answer lies in the inherent nature of the FBI as a Federal law enforcement agency. The Bureau does not have, has never had, and, absent a fundamental change in the Federal system, should never have general police powers. We are an agency with limited jurisdiction, permitted to act only as the law dictates.

I realize the scope of our role is not fully satisfactory to many, and I can understand their sentiments. I am also aware that to some the Bureau may appear to be uncaring or insensitive. That is not an accurate characterization. The FBI is not so much an organization as it is people, and I am well within the mark in observing that the men and women of the FBI, on a daily basis, display a firm commitment to enforcing those laws within our jurisdiction. In no case is that commitment greater than when a child has been abducted. When that happens, I can assure you the FBI applies its full resources at the highest priority level.

Our commitment has produced results. Our record in kidnaping cases is a good record. I am confident that with the support of the Congress and the American people,

the FBI will achieve even greater results in the future. Finally, I trust these hearings will produce constructive recommendations for ways in which the Federal Government can provide greater assistance to the parents of children who have disappeared.

Senator SPECTER. I would like to call as our final witness Hon. Paul Simon, U.S. Representative from the State of Illinois, who has managed to find time in his busy schedule to join us today.

Congressman Simon was the House sponsor of the Missing Children Act, worked very closely with Senator Hawkins and this committee and has done outstanding work in this field, and we welcome you here today, Congressman.

STATEMENT OF HON. PAUL SIMON, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS.

Mr. SIMON. Thank you very much, Mr. Chairman, and it is a pleasure to be here with Senator Hawkins.

I want to take this opportunity also to commend her on her leadership. I also recall you were part of the final conference that worked out the missing children legislation, Senator Specter.

I would like to enter my statement in the record and just add a comment or two, some growing out of the testimony I have just heard. I got in at the tail end of the testimony by the FBI.

Senator SPECTER. It shall be so entered in the record after your oral statement.

Mr. SIMON. I think it is good to remind ourselves the FBI was created, really, because of the Lindbergh kidnaping case. It grew out of a child disappearance case. The FBI's record on missing children has been a spotty one.

They have, for example, gotten involved in a foal of Secretariat, a horse that disappeared, and when my staff asked why they got involved in the case of the disappearing horse, "It is the value of the horse," that caused the FBI to get involved.

I think when we talk about children, we are talking about something of infinitely greater value. In some cases, the FBI has done an excellent job. In the case of Tara Burke, a 3-year-old who disappeared from a California shopping center, the FBI got involved. She was found alive. Her abductors were arrested on 1 count of kidnaping and 115 counts of sexual abuse.

In another case, Maureen Cooke, also in California, disappeared from a schoolyard in March 1982. The FBI did not get involved. A month later, she was found, brutally murdered.

[The following was received for the record:]

MAUREEN COOKE

AT 8:20 ON THE MORNING OF MARCH 16, 1982, SIX YEAR OLD MAUREEN COOKE WAS TAKEN TO THE MARVIN ELEMENTARY SCHOOL IN LOS ANGELES, CALIFORNIA, BY HER FATHER, MAURICE COOKE.MAUREEN WAS WAITING IN THE LINE WHICH WAS ABOUT TO ENTER THE SCHOOL WHEN AN UNIDENTIFIED WOMAN APPROACHED MAUREEN AND HER FRIEND, BRIAN. THE WOMAN SAID TO MAUREEN, "DON'T YOU WANT TO COME AND SEE MY BABY?" MAUREEN LEFT WITH THE WOMAN, DESPITE HER FRIENDS WARNING, "MAUREEN, DON'T GO!" THE WOMAN AND MAUREEN WERE LAST SEEN DRIVING AWAY IN A BLUE VOLKSWAGON. ON APRIL 18, 1982, MAUREEN'S BODY WAS FOUND IN A DRAINAGE DITCH NEAR CARSON, CALIFORNIA. MAUREEN'S PARENTS IDENTIFIED THE CLOTHING FOUND ON THE BODY AS MAUREEN'S. THE CAUSE OF DEATH WAS ASPHYXIATION.

It seems to me that the "tender years" concept that I just heard about here is one that ought to be pushed by this subcommittee and by those of us on the House side, also, as a very minimal kind of thing that ought to be done; that the FBI ought to know and understand that we are concerned and we are not satisfied with what is taking place right now. We are appreciative of the good work they are doing in many cases, but unhappy that they are not getting involved in many other cases, where we think they should be involved.

That is basically my testimony. I am here to commend you. The fact that you are holding hearings is going to be helpful. But we have to go beyond that. I think we have to put some pressure on the Justice Department and the FBI to be a little more diligent.

[The prepared statement of Mr. Simon with attachments follow:]

PREPARED STATEMENT OF HON. PAUL SIMON

IN NOVEMBER OF 1980 I READ AN ARTICLE ABOUT A LITTLE BOY WHO HAD DISAPPEARED FROM HIS HOME IN MAY, 1979 AND HAD NOT BEEN HEARD FROM SINCE. THE CHILD'S NAME WAS ETAN PATZ AND HIS MOTHER TOLD IN THE ARTICLE HOW FRUSTRATING IT HAD BEEN TRYING TO GET HELP IN LOOKING FOR HER CHILD. I REQUESTED THAT MY STAFF INVESTIGATE THE CASE AND WHAT THEY LEARNED WAS THAT MRS. PATZ WAS NOT ALONE. EVERY YEAR CHILDREN ARE TAKEN FROM THEIR FAMILIES AND ARE NEVER SEEN OR HEARD FROM AGAIN. AND THE PARENTS OF THOSE CHILDREN ALL LEARN THAT LITTLE OR NOTHING IS DONE TO HELP THEM IN THEIR SEARCH FOR THEIR LOST CHILDREN.

ALTHOUGH THE NATION HAS BECOME AWARE IN THE LAST TWO YEARS OF THE PROBLEM OF CHILDREN WHO ARE STOLEN AND MISSING AND A LAW HAS BEEN PASSED TO PROVIDE A CLEARINGHOUSE ON THOSE CHILDREN THE TRAGEDY STILL CONTINUES. A MAJOR PART OF THE PROBLEM IS THE REFUSAL OF LAW ENFORCEMENT AGENCIES TO BECOME INVOLVED. FROM LOCAL POLICE TO THE FBI, THE ATTITUDE IS THAT MISSING CHILDREN ARE NOT IMPORTANT.

IRONICALLY, A MAJOR REASON FOR THE CREATION OF THE FBI WAS TO WAGE WAR ON CHILD KIDNAPPING. SPURRED BY THE HORRORS OF THE LINDBERGH CASE, THE AGENCY WAS CREATED IN 1933, TO, AS A NEW YORK TIMES ARTICLE STATED "WAGE WAR ON KIDNAPPERS". TODAY, CHILDREN ARE KIDNAPPED AND THE FBI REFUSES TO ENTER THE CASES.

SENATE INVESTIGATORS HAVE STUDIED 25 CASES OF KIDNAPPED CHILDREN BETWEEN 1972 AND 1982. IN ALL CASES BUT ONE, THE VICTIMS WERE CHILDREN UNDER THE AGE OF NINE. THE FBI ONLY BECAME INVOLVED IN FIVE OF THOSE CASES

PARENTS WHO CONTACT THE BUREAU ABOUT THEIR KIDNAPPED CHILDREN ARE USUALLY TOLD THREE REASONS WHY THE FBI WILL NOT BECOME INVOLVED:

* THERE IS NO RANSOM DEMAND;
* THERE IS NO EVIDENCE OF INTERSTATE TRANSPORTATION;
* THERE IS NO EVIDENCE, SUCH AS A WITNESS, TO THE ABDUCTION.

THESE CONDITIONS FOR ENTERING INTO A CASE ARE NOT PART OF THE LAW. IN FACT, IN THE CASE OF INTERSTATE TRANSPORTATION THE LAW STATES THAT IF A CHILD IS MISSING FOR TWENTY-FOUR HOURS, IT MAY BE ASSUMED THAT HE HAS BEEN TAKEN ACROSS STATE LINES. THE FBI WAS WILLING TO BECOME INVOLVED IN SEARCHING FOR A HORSE, FRAN FROLICHE, A FOAL OF SECRETARIAT WITHOUT ANY OF THE THREE CRITERIA BEING PRESENT, BECAUSE THE HORSE WAS SO VALUABLE.

WHILE I REALIZE THAT THE RESOURCES OF THE FBI ARE STRAINED BECAUSE OF DEMANDS ON THE BUREAU, CHILDREN MUST BE A PRIORITY. I DO NOT EXPECT THAT THE FBI SHOULD GET INVOLVED EVERYTIME A CHILD DISAPPEARS. THAT WOULD CLEARLY BE UNREASONABLE. BUT WHEN A SMALL CHILD IS TAKEN FROM A FAMILY AND IT IS OBVIOUS THE CHILD IS NOT A RUNAWAY, IS NOT A VICTIM OF PARENTAL KIDNAPPING -- WHEN IT IS OBVIOUS THE CHILD HAS BEEN TAKEN BY AN ADULT WITHOUT THE PARENTS' CONSENT, THEN THE FBI SHOULD BECOME INVOLVED. THERE IS NO QUESTION THAT CHILDREN WHO ARE TAKEN ARE IN GRAVE DANGER. ONE ONLY HAS TO LOOK AT THE GRUESOME STATISTICS IN ATLANTA AND THE SENSELESS MURDER OF ADAM WALSH TO KNOW THAT THERE ARE SICK PEOPLE IN THIS SOCIETY WHO PREY UPON MISSING CHILDREN. EVEN AFTER THE ADAM WALSH CASE, IN WHICH THE FBI DID NOT BECOME INVOLVED, AND ITS TRAGIC CONCLUSION, THE FBI STILL REFUSED TO INVESTIGATE WHEN A SIMILAR CASE INVOLVING SIX YEAR OLD MAUREEN COOKE WAS REPORTED TO THEM. MAUREEN WAS TAKEN FROM THE SCHOOLYARD SHE PLAYED IN IN LOS ANGELES IN MARCH 1982. IN APRIL OF 1982 SHE WAS FOUND BRUTALLY MURDERED. ON THE OTHER HAND, THE FBI DID GET INVOLVED IN THE CASE OF TARA BURKE, THE THREE YEAR OLD WHO DISAPPEARED FROM A CALIFORNIA SHOPPING CENTER. TARA WAS LATER FOUND ALIVE AND HER ABDUCTORS ARRESTED ON ONE COUNT OF KIDNAPPING, 115 COUNTS OF SEXUAL ABUSE.

ALL MY COMMENTS ON THE FBI ARE NOT NEGATIVE. I REALIZE THAT JUDGE WEBSTER AND THE PEOPLE ON HIS STAFF DO CARE ABOUT CHILDREN. WHEN WE WERE WORKING ON THE MISSING CHILDRENS BILL, THEY COOPERATED WITH US IN DEVELOPING A LAW WHICH WOULD BE WORKABLE. I HAVE BEEN INFORMED BY MY STAFF THAT THEY ARE NOW IN THE PROCESS

OF ADAPTING THE NATIONAL CRIME INFORMATION CENTER (NCIC) COMPUTERS TO ALLOW FOR INPUT OF DESCRIPTIONS OF CHILDREN AND ARE DILIGENTLY WORKING ON DEVELOPING A CLEARINGHOUSE FOR UNIDENTIFIED BODIES AS IS MANDATED BY THE LAW. HOWEVER, THE FBI, OTHER LAW ENFORCEMENT AGENCIES AND THE REST OF US IN GOVERNMENT MUST COME TO UNDERSTAND THAT CHILDREN ARE OUR MOST IMPORTANT RESOURCE FOR THE FUTURE AND THEY MUST BE GIVEN A TOP PRIORITY IN OUR LAW ENFORCEMENT EFFORTS.

I MIGHT ALSO ADD THAT DURING DISCUSSIONS ON THE MISSING CHILDRENS ACT, THE FBI AGREED, ALTHOUGH IT WAS NOT SPECIFICALLY MANDATED IN THE STATUTE THAT IF LOCAL LAW ENFORCEMENT AGENCIES REFUSED TO ENTER THE NAME OF A MISSING CHILD IN THE NCIC COMPUTER THE PARENTS OF THE CHILD COULD GO DIRECTLY TO THE FBI TO HAVE THE CHILD'S DESCRIPTION ENTERED. THIS IS CERTAINLY A POSITIVE FIRST STEP IN TRYING TO LOCATE A MISSING CHILD. HOWEVER, IN THOSE TYPES OF CASES I HAVE PREVIOUSLY DESCRIBED IT IS NOT ENOUGH. I ENCOURAGE THE FBI TO REVIEW ITS PRACTICES AND PRIORITIES AND CONTINUE THE ACTIONS IT HAS STARTED TO HELP PROTECT OUR NATION'S CHILDREN.

Senator SPECTER. Thank you very much, Congressman Simon. We appreciate your cooperation, and we appreciate your being here today.

Mr. SIMON. Thank you.

Senator HAWKINS. Thank you.

Senator SPECTER. The hearing is adjourned.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned.]

APPENDIX

To: All FBI field offices.
From: Director FBI.
Subject: Kidnaping matters: personal crimes program.

At the request of Congress, Assistant Director Oliver B. Revell, Criminal Investigative Division (CID), testified before the Subcommittee on Juvenile Justice, Committee on the Judiciary, United States Senate, on February 2, 1983. Members of Congress and the parents of missing, murdered and kidnaped children also testified before the subcommittee.

The record developed by the subcommittee unequivocally reveals that FBI personnel have failed to accurately and adequately articulate FBI National Policy in kidnaping matters as set forth in the manual of investigative operations and guidelines (MIOG), part I, section 7, kidnaping, particularly sections 7-1 through and including 7-2.2.

In light of information presented to the subcommittee and developed through CID analyses, the following areas of concern are paramount.

I. Kidnapings involving minor children, MIOG, 7-2.2.

CID, based upon a review of 200 main kidnaping files and 53 7-0 matters received at FBIHQ during 1982, ascertained that minors were the primary victims in 101 of the 253 matters reviewed.

In view of this and other data developed by the subcommittee, you are instructed to personally insure that the FBI's national policy is thoroughly understood, followed and accurately articulated by representatives of your division. In accord with existing instructions, the following is set forth:

A. When reports are brought to your attention, without regard for the means of referral, of minors abducted or missing under circumstances indicating a possible abduction, unaccompanied by a ransom demand or evidence of interstate transportation or travel, insure the following:

1. Advise FBIHQ immediately.

2. Furnish a teletype setting forth specific details bearing upon abduction or circumstances indicating a possible abduction, any ransom demand, interstate transportation and your action. Mere statements that "local authorities advise no evidence of abduction exists" are not acceptable.

3. Determine whether it is necessary to institute a preliminary inquiry immediately in order to ascertain the need for a full investigation.

4. Resolve questions pertaining to the abduction, seizure, confinement, inveilgement, decoy, kidnap or carrying away by any means whatsoever, through the conduct of a preliminary inquiry in accord with existing Attorney General guidelines.

5. Note that no ransom demand is required.

6. Note that interstate travel can be presumed after 24 hours from the time the minor was abducted or missing under circumstances indicating a possible abduction.

B. Complete documentation is required as to the facts and circumstances which cause you to conduct or not conduct a full investigation. Include any United States attorney's opinion and the specific liaison effected with local authorities together with any requests that local authorities, citizens or family members may make and your action thereafter.

II. Liaison with State or local authorities.

Expeditiously cause all State and local law enforcement agencies in your territory to be contacted and specifically and accurately advised of the FBI's existing national policy with regard to the kidnaping of minors. Insure that these contacts are documented and available for retrieval. Your contacts should be conducted in such a manner as to insure future notifications or referrals are made to the FBI of matters possibly coming within our investigative jurisdiction.

III. FBI interaction with parents, guardians and family members of minor kidnap victims.

The FBI must continue to demonstrate the utmost concern for and empathy with the emotional trauma which a victim's parents, guardians or family members undergo. Address all situations in an entirely professional manner consistent with our role as servants of the public. Insure that such persons, unless determinable and articulable facts preclude doing so, are kept advised of those investigative developments which you determine can be disseminated without jeopardizing the integrity of your investigation. While you remain bound to the prohibition against divulging pending case matters to the public, your attention is drawn to the special concern of an identified parent, guardian or family member and the due regard for same which the FBI should exhibit.

IV. Use of the polygraph in investigations of kidnaped minors.

In accord with existing instructions contained in MIOG, part II, section 13-22.2 through and including 13-22.4, the following applies:

1. The polygraph is to be used selectively as an investigative aid.
2. Results are to be considered within the context of a complete investigation.
3. Results are not to be relied upon to the exclusion of other evidence or knowledge obtained during the course of a complete investigation.
4. Use of the polygraph as a substitute for logical investigation by conventional means is strictly prohibited.

You or the person acting for you will be held accountable for the appropriate use of the polygraph. This technique is not to be routinely applied to the parents, guardians or family members of a minor victim. If use of the polygraph is questionable, this should be referred to FBIHQ by communication, Attention: Personal Crimes Unit, with a copy designated for the Laboratory Division, Attention: Polygraph Subunit.

V. NCIC mission person file.

Insure that all investigative and appropriate support personnel, who deal with the public, are thoroughly conversant with the recent modifications regarding the entry of missing, unemancipated children records into NCIC. The Missing Children Act, signed into law by the President, requires FBI field offices to confirm the existence of a missing person record in NCIC when requested by a parent, legal guardian or next of kin. Additionally, where local police refuse to cooperate with a parent or guardian, the FBI is required to enter the information.

Note that the NCIC operating manual, part 8, missing person file, section I, sets forth information regarding the category of "a person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., abduction or kidnaping." With regard to this category and minors entered into this category by State and local authorities in your territories, insure that your liaison contacts develop procedures facilitating State and local notifications of such entries to your office.

VI. Priority of investigations involving the kidnaping of minor children.

Insure that investigations initiated under the Federal kidnap statute involving kidnaped minor children are assigned the appropriate priority. Necessary resources are to be committed to gain the safe return of the victim(s) and, concomitantly, to identify, apprehend and prosecute the subject(s).

VII. Action upon receipt of this teletype.

In addition to any other action undertaken in accord with all the above, document that all special agents and support employees, who are in contact with the public, have read and understand the contents of this communication. Your documentation of same should include, at the least, the initials of all employees you identify. This documentation should be retained for retrieval as may be necessary.

You will be provided a copy of Assistant Director Revell's opening statement to the subcommittee, which should be similarly disseminated.

(NOTE.—This communication restates existing policy and has been prepared to advise and instruct the field with regard to investigations of kidnapings involving minors. It has been coordinated with NCIC section, Technical Services Division; Office of Congressional and Public Affairs; and the Polygraph Subunit, Laboratory Division.)

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., May 14, 1981.

Mrs. BETTY DINOVA,
Co-Director, Dee Scofield Awareness Program,
Tampa, Fla.

DEAR MRS. DINOVA: Your April 30th communication to Judge Webster, as well as the copy of the letter to Attorney General Smith, has been referred to me for a response.

As I have endeavored to explain to you, the FBI is most sensitive to the welfare of all individuals; however, by law we are unable to enter a case unless a violation occurs within those areas wherein we have been given investigative authority. The prescribed circumstances which must exist before the FBI can conduct an investigation under the Federal Kidnaping Statute were lacking in connection with the disappearance of Neely Smith; therefore, we had no authority to conduct an investigation. I deeply regret the loss of little Neely and wish we had been able to help find her and all missing children, however, we are bound by our jurisdictional authority and not by the age of the child or emotional appeal. I regret that you are unable to understand the restrictions on us in cases of this type and can only suggest that you petition your Congressional representatives for a change in the statute.

Sincerely yours,

CHARLES P. MONROE, *Assistant Director,*
Criminal Investigative Division.

20-051 O - 83 - 8

REWARD OFFERE

MISSING SINCE SUNDAY

23 APRIL P. M.

MICHAEL WOODWARD

Age: 9 Years - Height: 4' - Weight - 70 pounds

Hair: Blond - Eyes: Blue

This boy is believed to be located on post and may be receiving aid from other youngsters. He has a visual problem with left eye which may have caused him to believe removal of eye and replacement with glass eye was necessary. This is not so. If you see him in your area please detain him and immediately notify: MP Desk, Fort Jackson, extension 3113 or MAJ Woodward, extension 4956

(Michael Woodward.—On April 23, 1972, nine year old Michael disappeared from his home on Fort Jackson South Carolina. Michael was last seen by his father, an Army officer, in the yard of their Fort Jackson home. Military police assisted by hundreds of troops and civilian volunteers combed the wooded areas of Fort Jackson. Lakes were dragged as were several streams in the area. Michael Woodward's whereabouts remain unknown.)

Won't You Help?

Have You Seen Me ?

OUR 5 YEAR OLD DAUGHTER, NEELY SHANE SMITH HAS BEEN MISSING SINCE FEB. 18, 1981. THERE ARE NO CLUES TO WHAT HAS HAPPENED TO HER. THIS PETITION SERVES THE PURPOSE OF GETTING NEELY'S PICTURE BROADCAST NATIONWIDE. WE NEED AT LEAST 10,000 SIGNATURES AND ALL THE DONATIONS WE CAN GET. ANY HELP FROM THE COMMUNITY WILL BE DEEPLY APPRECIATED. ALL DONATIONS ARE TO BE SENT TO:

205

NEELY SHANE SMITH FUND
C/O INDEPENDENCE NATIONAL BANK
P. O. BOX 1776
GASTONIA, NC 28052

MARK ENVELOPES "ATTENTION MAIL TELLER"

THANK YOU,

MRS. KIM SMITH GRIFFIN
MR. NEIL SMITH

(Neely Shane Smith.—On February 18, 1981, five year old Neely disappeared from the play-ground area of the apartment complex in Charlotte, North Carolina, at which she lived with her family. The last person to see Neely is her half-brother, aged four at the time. A bogus ransom demand was telephoned to a neighbor approximately two days after Neely's disappearance. Charlotte police apprehended a suspect in that bogus ransom demand. Neely's mother also received a letter claiming that Neely had been seen in Key West, Florida.
On April 11, 1981, human skeletal remains were discovered in a wooded area seven miles south of Charlotte city limits. Neely Shane Smith was identified through the clothing found with the remains. Insufficient remains were found to establish the cause, manner, circumstances, or time of death.)

$10,000 REWARD

For Information resulting in the safe return of SHANNON PATRICK KETRON, kidnapped June 17, 1982 at age 7½ mo. near Cordell, Oklahoma

Call Oklahoma State Bureau Of Investigation toll free 1-800-522-8523

Caller will remain anonymous.

Reward offered by family and a friend.

(Shannon Ketron.—In the late afternoon of June 17, 1982, Washita County sheriff's officers were notified by Mrs. Ann Ketron that her seven and a half month old son, Shannon, had been abducted. According to Mrs. Ketron, she was accosted by an unidentified male while parked on a dirt road approximately 4 miles south of Cordell, Oklahoma. According to Mrs. Ketron, the unidentified male assaulted her, and when she regained consciousness, Shannon was gone. Shannon's whereabouts remain unknown.)

DENISE GRAVELY

ON AUGUST 28, 1980, 2½ YEAR OLD DENISE DISAPPEARED FROM HER HOME IN CLEVELAND OHIO. SHE HAD BEEN SENT INTO THE FRONT YARD TO CALL HER SISTER IN FOR LUNCH. SHE DISAPPEARED AT THAT TIME. THERE WERE NO WITNESSES TO THE INCIDENT. THE CLEVELAND POLICE DEPARTMENT RESPONDED WITH AN IMMEDIATE AND INTENSIVE SEARCH FOR THE MISSING CHILD. DENISE WAS NOT TO BE FOUND.

APPROXIMATELY 19 MONTHS FOLLOWING HER DISAPPEARANCE, DENISE WAS RECOVERED FROM A HOME NEAR BUFFALO, NEW YORK. SHE HAD BEEN KIDNAPPED BY TWO INDIVIDUALS WHO TOOK HER TO THE RESIDENCE NEAR BUFFALO SO THAT SHE COULD BE THE SURROGATE CHILD OF A COUPLE LIVING THERE. THE COUPLE WERE THE MOTHER AND STEP-FATHER OF ONE OF THE KIDNAPPERS. DENISE'S LOCATION WAS REVEALED WHEN WHEN SHE WAS SEEN BY ANOTHER FAMILY MEMBER VISITING THE BUFFALO AREA AND IDENTIFIED HER AS THE MISSING CHILD.

[From the New York Times, July 27, 1933]

Roosevelt Orders War on Kidnapping by Federal Forces

Washington, July 26.—President Roosevelt, in a conference today with Attorney General Cummings, instructed the Department of Justice to make an intensive study of recent kidnappings throughout the country and to report on the advisability of creating a superpolice force to check the growth of organized crime.

"The racketeering must stop," the Attorney General said after his conference with the President. "The Department of Justice will build up its force and increase its activities, in cooperation with the States, to crush the bands of kidnappers and racketeers. These crimes apparently are increasing and the Federal and State Governments must cooperate to the utmost in necessary investigations and prosecutions."

Under the Federal Constitution, a superpolice force similar to Scotland Yard cannot be established in this country, as the Federal Government can deal only with interstate crimes. It is the purpose of the Department of Justice, however, to create a powerful staff of investigators who will cooperate with the States in kidnapping cases and give the State Governments every assistance in the investigation of interstate crimes.

WILL EXPAND BUREAU

"We intend to spend as much money as needed and when needed to fight kidnapping and punish the criminals," the Attorney General said. He explained that the Bureau of Investigation of the Department of Justice would be expanded; that some of the investigators of the Prohibition Bureau would be taken over, and that the enlarged force will devote itself chiefly to interstate crime such as kidnapping.

This force will also be built up for use after repeal of the Eighteenth Amendment to prevent shipments of liquor into dry States.

Under the direction of Joseph B. Keenan of Ohio, an assistant of the Attorney General, a skilled force will be brought together to combat kidnappers. Mr. Keenan,

who is in Kansas City assisting in the prosecution of the men accused of kidnapping Miss Mary McElroy, is planning to bring together a mobile detachment which will operate throughout the country in cooperation with municipal and State police.

MUST IGNORE STATE LINES

President Roosevelt is expected to recommend legislation in the next session of Congress which will ask the States to surrender their authority in cases of kidnapping. State lines must be ignored, it is held, if the fight on kidnapping is to succeed.

Attacks on all forms of rackets will come to the fore in the next session of Congress as the result of the investigation now in progress by a special Senate committee into all types of rackets that have grown up in the last ten years.

Senator Copeland, chairman of this committee, after a conference with President Roosevelt last week, said that organized crime was increasing rapidly in the country and that those hitherto engaged in "beer rackets" are now turning to kidnapping and food rackets. He thought the State and Federal Governments should cooperate in an intensive campaign to rid the country of racketeers, who, he said, were costing the nation $1,5,000,000 a year.

The first hearing of this committee will be held in New York City in the first week in August, Senator Copeland said. The investigation will be extended to other cities and the committee is expected to make a report that will startle the country and lead to a combined attack by the Federal and State Governments against the criminal systems that have developed in the thirteen years of prohibition.

GOVERNORS URGE ACTION—ASK WASHINGTON TO USE FULL POWERS AGAINST KIDNAPPERS.

SAN FRANCISCO, July 26—Governors attending the annual conference of State executives asked the Federal Government today "to pursue to the utmost" its vigorous prosecution of racketeers to the end that kidnapping and kindred crimes be suppressed.

The executives acted as individuals, at the request of Governor Ibra C. Blackwood of South Carolina, after it was explained that a resolution offered by Governor Fred Balzar of Nevada, requesting that President Roosevelt speed the organization of a national police force, could not be acted upon as such because it was opposed to the policy of the conference.

Governor Balzar's resolution, which was tabled, declared that "organized crime has become a national menace, kidnapping, blackmail and robberies run wild, gang leaders have usurped the rule of law, racketeering strangles many lines of commerce."

SON OF ONE KIDNAPPED.

The conference expressed sympathy with the Federal Government's drive on crime on a motion of Governor Blackwood, who declared it was his belief, "that every executive here is in hearty accord with the sentiments of the resolution of Governor Balzar."

Governor F. H. Cooney of Montana a few minutes before had expressed his sympathy with the resolution declaring that since the country "is repealing prohibition gangsters are spreading over the United States and going into the kidnapping business in a big way."

He said his son, Francis, had been kidnapped two years ago "and nearly beaten to death."

Prior to their discussion of the crime situation the Governors had debated problems of labor, the minimum wage, unemployment insurance and real estate mortgages.

SOCIAL LEGISLATION URGED

Governor John C. Winant of New Hampshire warned Governors that the success of the National Industrial Recovery Act, which he praised, rested with the State. He pointed out that advances in social legislation may end when the period for which the National Recovery Act was enacted is over.

The Governor said States must act to make the advance a basis for further progress in industrial betterment. "Otherwise the nation will return to conditions that may mean excessive hours of labor for some, unemployment for others and re-establishment of the sweatshop."

Governor George White of Ohio discussed unemployment insurance, which he declared, was the proper and "self-respecting way to take care of the inevitable num-

bers of unemployed and substituting in the place of charity and the dole a method of providing maintenance for unemployed without disrupting ordinary chartible activities or bankrupting public treasuries."

Governor Pollard of Virginia made a plea for voluntary offers of readjustment between holders of mortgage bonds, the mortgagee and mortgagor to readjust the obligations by reductions of interest and maturity extensions. Governor Paul V. McNutt of Indiana suggested that equity courts could delay foreclosures until the mortgagor and mortgagee could come to an agreement.

DERN PRIASES CAMP MOBILIZATION

Secretary of War Dern, in a luncheon addressed, praised the army for accomplishing its "greatest peacetime project in mobilizing the citizens conservation corps in work camps by July 1."

Governor Rolph was elected chairman of the executive committee and former Governor C. A. Hardee of Florida was chosen for his tenth term as secretary. Governor Stanley C. Wilson, Vermont, was named treasurer. Other members of the executive committee are Governors McNutt of Indiana, White of Ohio, Winant of New Hampshire and Conner of Mississippi.

The executive committee took no action on the 1934 meeting. Governor Rolph indicated that a choice would be made in the Winter after the Governors meet with President Roosevelt. The Chief Executive last night invited the Governors to meet with him to discuss national and State problems. No date has yet been set.

The Governors resumed their touring late tonight when they started to Yosemite National Park. After spending the day there sightseeing, they will depart tomorrow night for Los Angeles.

[From the New York Times, July 30, 1933]

Federal Warfare Against Kidnapping Widens Its Range

Washington. July 29.—The Federal Government's warfare against organized crime throughout the country was getting under way here today.

Backed by President Roosevelt, Attorney General Cummings and his special assistant, Joseph B. Keenan, have set up a nucleus for the campaign, the purpose of which is to drive the racketeer, gangster, kidnapper, extortionist, bomber and hoodlum into subjection and prison.

Public opinion has manifested itself for the suppression of the underworld terrorism which virtually since the World War has swept the country, leaving behind a trail of murders, untold property destruction, losses of millions of dollars by extortion and kidnappers.

START OF FEDERAL ACTIVITY

The Federal Government was first aroused to action on a large scale by the depredations of the Alphonse Capone gang in Chicago. With the municipal and State authorities apparently helpess, the Federal Government look a hand with the best weapon at its disposal, the Income Tax Law. Capone and many of his racketeering associates were sent the Federal prison.

Following the kidnapping and murder of the infant son of Charles A. Lindbergh, the Federal Government for the first time threw its law-enforcement agencies into the fight against the rapidly increasing crime of abduction for ransom.

This crime led to the enactment of a statute which made kidnapping involving interstate conspiracy or transportation of the victim a Federal crime. Since then only two important kidnapping crimes have been unsolved and in both of these the Federal authorities received little or no cooperation from the families and friends of the victims.

Attorney General Cummings said he believed that at last public opinion had been sufficiently aroused to be of real assistance in the nation-wide drive. He is also of the opinion that the State and municipal authorities have awakened to their obligation and may be counted on for cooperation in the future.

NEW LEGISLATION IN VIEW

The Federal attack against crime will have many ramifications. The first purpose of Mr. Cummings is to acquaint the public with the facts, to reinforce its demand for upholding the law. Then he looks to greater assistance from the State and municipal authorities to bridge gaps in Federal jurisdiction.

Mr. Keenan is now making a careful study of the crimes, with the idea of preparing legislation to be introduced at the next session of Congress to give the government real weapons for its campaign.

Senator Copeland is head of a special committee which is surveying the racketeering situation with a similar intention. He has been in close communication with Mr. Cummings and Mr. Keenan and they are viewing conditions from about the same angle.

What legislation will be proposed has not been yet determined. However, Mr. Cummings and Mr. Keenan both feel that disarming the criminal is of prime importance and that the manufacture and distribution of machine guns and other deadly weapons should be under strict Federal supervision.

Small arms regulation probably will be left to the States, many of which already have excellent laws on the subject.

Additional penalties for interfering with interstate commerce and for criminal activity involving operations in two or more States have been proposed and are under consideration.

IDEA OF NATIONAL POLICE

Mr. Cummings is giving serious thought to some form of a national police force, for which a basis exists in the Bureau of Investigation. This force would be augmented by several hundred agents to be transferred from the Prohibition Bureau.

While the prohibition agents will be occupied until the repeal of the Eighteenth Amendment with the enforement of the Volstead Act, their duties have been lessened to a considerable degree by the beer law and by relaxed restrictions on the distribution of medicinal liquor and sacramental wine.

It was thought possible that there would be closer cooperation among the various law enforcement agencies of the Government, such as the special Intelligence Section of the Internal Revenue Bureau, designed chiefly to enforce the income tax laws, the Secret Service, Narcotic Bureau, Post Office Inspectors, Customs Agents and others.

Some experts even have visualized the consolidation of many of these units, although the plan was rejected for the time being at least.

The Bureau of Investigation will be expanded and will develop special squads of agents particularly trained for the suppression of types of crime coming under Federal jurisdiction.

For instance, the kidnapping section of the bureau, which has developed an effective technique in the solution of several important cases, is expected to be enlarged substantially for the detailing of trained experts.

SYSTEM OF IDENTIFICATION

In the Bureau of Identification, a "Who's Who" of criminals, the Department of Justice has built up one of the world's most complete fingerprint and record systems.

Excellent cooperation has been obtained from the State and local authorities in furnishing criminal records for the bureau and the system has led to the capture of many desperate criminals. The bureau was instrumental in the identification of "Pretty Boy" Smith, and his gang, wanted for the Kansas City Union Station slaying some time ago.

Mr. Cummings has been heartened in his drive against crime by the solution of various kidnapping cases by the Federal authorities. Particularly was the termination of the trial of the McElroy kidnapping case in Kansas City with the death penalty for one of the perpetrators and indication to the Attorney General of the public demand for severe punishment for this offense.

In speaking of the progress of the fight against kidnapping, Mr. Cummings said:

"Since the enactment of the Federal anti-kidnapping law there have been but two cases of this type that have gone unsolved. In the O'Connell case, Federal jurisdiction was doubtful, although the department's agents cooperated.

"If we can get cooperation from the family and from the State authorities, and if there is a Federal approach to the kidnapping, we can break cases almost every time.

"If convictions may be obtained and heavy penalties inflicted a sufficient number of times, kidnapping can be stopped. It will cease to be a popular criminal activity."

Detectives Back Roosevelt

Chicago, July 29.—The World Association of Detectives at the end of its three-day session in Chicago today offered President Roosevelt the support of their membership of 150 agencies in the war on crime. Special racketeering and kidnapping departments will be set up in the four major divisions of the association.

A message to Mr. Roosevelt, signed by Harry Lewis of Sioux City, Iowa, newly elected president, said:

"We, in convention assembled, do wholeheartedly endorse your entire program for unrelenting war against all crime, particularly kidnapping and racketeering.

"We realize that the astounding increase in crime in addition to causing great fear and unrest to our citizens has an important effect on the economic conditions of the nation.

"We offer you the enthusiastic support and assistance of our entire membership, composed of 150 of the leading detective agencies throughout the world."

Mr. Lewis explained that the creation of the new departments meant that several thousand operators employed by the agencies would be put to work assembling data and compiling files on kidnappers and racketeers. This information will be available to Federal and State authorities.

[From the New York Times, Jan. 6, 1934]

Asks Federal Aid in Drive on Crime

Washington, January 5.—Recommendations for a reduction of the sale of machine guns and other firearms and other suggestions aimed at strengthening the government's arm against crime were made by Attorney General Cummings in his annual report today to Congress.

Suitable bills and supporting memoranda, based on study of the crime problem, would be prepared and made available to the appropriate committees of Congress, he said.

He added that measures dealing with the following problems and offenses would be included.

"Regulation of traffic in machine guns and other firearms; prison escapes, including complicity of prison officers or employes; resisting and killing a federal officer, interstate transportation of stolen property, simplification of removal proceedings, escape from lawful custody while awaiting trial, waiver of indictment by grand jury in certain criminal cases and regulation of alibi defenses.

"Congress should also give serious consideration," he declared, "to the enactment of laws providing for uniformity of practice and proceedings involving the acquisition of land by the Federal Government."

The Attorney General pointed out that under the Executive Order of June 10, and subsequent executive orders, the work of the Department of Justice had been augmented and changed in important respects.

A great amount of legal work incident to the administration and enforcement of emergency legislation had placed "a heavy burden" on the department.

KIDNAPPING ENLARGED DUTIES

"Additional strain has been placed upon the department by the extension of existing activities, among which may be mentioned matters relating to kidnapping and racketeering," he went on. "The department is also faced with the necessity of reducing its expenditures in keeping with the President's economy program. It is our earnest purpose to meet all these requirements."

The remainder of the document contained reports from the various bureaus and divisions of the Department of Justice and the report of the judicial conference held here last September.

J. Edgar Hoover, chief of the division of investigation, discussed the kidnapping and extortion situation, saying:

"Another demand upon the personnel of the division was developed by the passage of the so-called Federal Kidnapping Law, approved June 22, 1932, and the Extortion Act, approved July 8, 1932.

"While at first it was felt that the division would not be called to function in the usual kidnapping case, but might restrict its investigative activities to those cases where there had been a transportation of the victim across State lines, it was soon realized that it would be impracticable to follow any such policy in view of the fact

that in practically all cases it could be ascertained if an interstate transportation had occurred only after the victim had been returned by the kidnappers.

"Then, too, the efforts of the department to cooperate to the fullest extend with law-enforcement agencies throughout the United States in combating kidnapping and racketeering necessitated the immediate entry of the division into the case the moment that a kidnapping is reported.

"It is common knowledge, of course, that in the past year there have been perhaps more kidnappings than at any prior time, this in the face of the fact that a rather unusual record of crime solutions and swift punishment therefor was achieved by the division in the first year of the existence of these statutes."

Mr. Hoover said that the year's developments emphasized the importance of the use of scientific methods in law enforcement and particularly of the laboratory examination of materials to obtain crime dues.

NEW FINGERPRINT SYSTEM BEGUN

The division now has the fingerprints of 3,780,534 criminals and 4,901,443 index cards of malefactors. Favorable progress has been made in the exchange of criminal identifying data with foreign-countries, a project begun early in 1932.

In the last few months the division has begun installation of a single fingerprint system containing the impression of 2,819 known kidnappers, racketeers and extortionists. This system will provide for peace officers valuable information relative to the identification of this class of criminals, Mr. Hoover said.

The report of Sanford Bates, chief of the Bureau of Prisons, showed a reduction of 1,126 in the number of prisoners confined in Federal penal institutions during the fiscal year ending June 30, 1983.

There were, at the end of the year, 8,943 prisoners in the four Federal penitentiaries, a decreases of 710 in the year; 1,715 prisoners in reformatories, a decrease of 289; 595 in prison camps, a decreade of 166; 1,043 in Federal jails an increase of 427, leaving a total of 13,188 in Federal penal institutions.

The grand total of Federal prisoners, including those in St. Elizabeth's Hospital in Washington, Territorial jails, boarded out and in other institutions, was 20,778, a decrease of 5,161.

The decrease was held due in part to the change in the attitude of the public toward Federal prohibition, and in part due to measures taken by Congress to reduce the prison population by extending the probation system to practically every Federal District Court, through improvement of methods of handling juvenile offenders and a more scientific parole system.

URGES REHABILITATION OF PRISONERS

As to rehabilitation of prisoners, Mr. Bates said:

"Undeniably a large group of men leave our State and Federal prisons each year embittered, unregenerate and either unwilling or unable to abide by the laws. It seems to follow, therefore, that abundant profits may be reaped from the time and money invested in an intelligent and scientific program of crime prevention working through the prisons. It is a short sighted policy which begrudges funds for financing the various proposals looking to the reformation of the men and women who are in prison.

"Is it not better to spend a few hundred dollars in removing the mental and physical handicaps which may have induced a person to commit crime or in equipping the prisoner which a vocation than it is to spend thousands of dollars in apprehending him when he reverts to his former wrongdoing?

"Certain it is that there is a large group of men who cannot be scared or beaten into living in accordance with the law but who can be prevented by intelligent and scientific treatment from relapsing into a life which may hold no terror for them.

"A reasonable crime-prevention program in the prisons is not maudlin sentimentally nor an attempt to make life easy for the malefactor. Whatever force imprisonment has as a deterrent to crime is chiefly effective at the time the malefactor is sentenced.

"Whether repressive and brutal treatment is accorded the prisoner after incarceration or whether he is dealt with in a constructive and scientific manner has no effect on the man contemplating crime.

"Men are deterred from committing crime by the speed with which a criminal is apprehended and the sentence meted out by the court, and not by what happens to the prisoners after he is placed behind walls. Men go to prison as punishment, not for punishment. Such being the case, the conduct of a prison should not be vengeful but constructively preventive."

During the fiscal year the Coast Guard seized ten foreign vessels for liquor smuggling, six being declared forfeited by Federal courts. The report indicated that smuggling practically ceased during March, April and May, due "perhaps to unsettled financial conditions in the United States and the legalization of beer during that period." By July activity had reached its 1928 level.

[From the New York Times, Nov. 4, 1934]

Organized Kidnap Gangs Are on the Defensive—The Lindbergh Law and the Activity of Federal Agents Threaten to Kill the "Snatch Racket"

(By Ralph E. Benaud)

In the past month or so the American public has been almost as kidnap-conscious as in those tense days, two and a half years ago, when President Hoover issued his pledge that the Department of Justice would never rest or relax until the Lindbergh kidnapper stood behind prison bars. But, while there have been abductions engineered by individuals, the United States, as a matter of fact, is emerging from a wave of kidnapping. The backbone of organized "snatching" by professional gangs, which rose to an evil eminence under prohibition, is broken.

There are several reasons for this, some linked with the development of the crime itself and others involving social and political changes in the nation. Prohibition and the repeal of prohibition, for example, have had a profound effect on organized kidnapping. It was prohibition that spawned The Snatch. It may not be quite safe to say that repeal, even if there were no other forces at work, would end it, but the tendency is that way.

EFFECT OF PROHIBITION

Prohibition built up a vast criminal organization all over the country. It was in a sense and within its scope, a super-government. The liquor racket quite naturally brought hi-jacking. The Snatch, as it developed in the underworld and for a time remained there, was a form of hi-jacking, being directed against tainted pocketbooks whose owners would not squeal. The bolder kidnap gangs, largely pariah bands forced out of the illicit liquor trade, began to practice their art against the law-abiding.

Then came the threat of repeal. It looked as if a great many murder-trained racketeers were going to be out of luck—out of business, in fact. Having observed the success of the pioneers, they turned confidently to the easy pickings of The Snatch. The rewards were dazzling, the labor was slight and the hazard was small. Just before and immediately after repeal there was a wave of kidnapping.

But repeal proved unexpectedly benign toward the bootlegger and his criminal organization. It is estimated that of the hard liquor which the United States drinks today 60 percent is still illicit. That leaves plenty of opportunity and a tidy margin of profit for the underworld. Moreover, bootlegging has become safer, if somewhat more humdrum. Liquor is harder to trace when its possession and consumption violate no law. And meanwhile, kidnapping has developed into just about the most hazardous occupation in America.

THE LINDBERGH LAW

The Lindbergh case, badly bungled from the professional kidnapper's point of view, was responsible. The tragedy of the circumstances and the renown of its victims made up the public mind. Kidnapping must stop.

The Lindbergh Law was approved June 22, 1932, and amended in May 1934, to include the death penalty. Broadly, it gave the United States Government authority to investigate and prosecute kidnapping cases through invoking its powers over interstate commerce. It is simple, direct and thorough, and is supported by considerable subsequent legislation.

Since it passage thirty-one of the thirty-two snatch cases in which the United States has intervened have been solved. Seventy-four persons have been convicted and fifteen are in custody awaiting trial. The term sentences imposed aggregate 1,237 years. There have been two death sentences and sixteen life sentences. In the roundup of kidnappers there have been three suicides, two murders and two lynchings. Not much encouragement in that record for kidnappers!

The men of the Department of Justice Bureau of Investigation, under J. Edgar Hoover, have every reason to feel proud, both because of their record and because their method is a miracle of organization, scientific training, equipment and morale.

A HYPOTHETICAL CASE

Suppose you live in Pelham. Your daughter failed to return from school in Connecticut. About dinner time the door-bell rang and there on the sill lay a printed ransom note. What would you do?

This is what you should do: Call long distance and ask for National 7117. That is the kidnap number. Within one minute you would be talking with Edgar Hoover or one of his chief assistants in Washington. Within five minutes F. H. Fay, head of the Bureau of Investigation in New York City, would have been notified and a car with operatives would have started for your home from the Department of Justice offices on Lexington Avenue.

Within half an hour the entire machinery of the United States Government would be enlisted. You would find 1,176 picked government operatives, highly trained in detection and skilled at shooting, immediately at your service. Today it is better than a 30-to-1 bet that within a reasonable period your daughter would be returned and her kidnappers viewing the passing scene through a steel-barred door.

There is no doubt that the snatch racket is disheartened. Most of the old gangs have dispersed, with a good percentage of their members enjoying prison leisure. Indeed, it has become a delicate matter for a lawyer to defend a kidnapper; the government scrutinizes the connection pretty closely and is likely to remember. Bondsmen and moneychangers, too, have become wary.

Of course, it is no function of the Department of Justice to indulge in prophecy, or to predict that this or that won't happen. The operatives smile pleasantly and present their record of 93.8 percent convictions in total cases handled in a year. Privately, however, they offer a mild opinion that the professional kidnap gang is—well, you might say checked.

The case in which Charles F. Urschel was abducted from a bridge table in Oklahoma City is looked upon as the classic example of kidnapping. It was the initial case prosecuted under the Lindbergh Law—and successfully prosecuted. It ramified over sixteen States. Its network included the two so-called "crime cities" of the Middle West, Kansas City and St. Paul. The ransom paid, $200,000, was the highest ever exacted up to that time and only equaled in one later case. It was the first case in which the highly organized kidnap gang came fully into clash with the even more highly organized Department of Justice. Fifteen principals and accomplices were convicted, six of whom drew life sentences.

KIDNAP NOMENCLATURE

The Urschel mob illustrated every aspect of the typical snatch gang. The original inspiration for a kidnap is the "peddler," the man or woman who discovers a likely prospect and turns over the information to the mobsmen. Then the "finger" man is put to work. It is his duty to observe the prospect and report every detail of his daily habits. The actual kidnapping is committed to the "muscle men."

The leader, or brains, of a kidnap gang is almost invariably the "voice." He establishes contact with the family, arranges for an intermediary and negotiates all the ransom arrangements. If he is successful the intermediary makes the "pay off" to him. The "cool off" is the period the "voice" fixes before the "dump"—that is, the return of the victim. Then comes the "scatter," each with his division of the spoils.

In the Urschel case the "peddler" and the "finger" were never known, though it is believed that Katherine Kelley, now behind the bars for life, did some of the fingering. The "muscle men" were George (Machine Gun) Kelly and George Bates. The "voice" was Harvey Bailey, a principal in both the St. Valentine's Day massacre in Chicago and the Kansas City massacre at the Union Station. All three are sojourning at Alcatraz. The hideway was at Paradise, Texas, on the old farm of Boss Shannon and his wife, Ora Shannon, mother of Katherine Kelly.

URSCHEL GIVES CLUE

It was the Shannon farm at Paradise which supplied the famous clue which untangled this whole black skein of crime. Though handcuffed and shackled to the floor of the Shannon cabin, Urschel retained presence of mind enough to note the passage of airplanes twice daily overhead. He was able to fix the hour of the plane flights. On the last Sunday he was imprisoned it rained hard and there was no plane flight.

Later, on being released, he gave this information to Federal Agent Gus Jones. A check-up on airplane routes and weather reports led the government men direct to Paradise, Bailey and the two Shannons.

Before the Lindbergh Law, the kidnappers were in little danger unless they confined their crime to a single State. The police were confused by the maze of State lines beyond which they could not go. Moreover, every snatch gang of any importance regularly bought protection from certain politicians and county police officials to shield thier hide-outs.

Now all that changed. No bluff, no threat, no bribe means a thing to the Department of Justice. Its operators can travel as fast and as far as the kidnappers. Their motto is "No fooling." Their cases are perfectly prepared. And a trial in the Federal Court will afford any kidnapper very little amusement.

A GUNMAN'S WOE

It was testifed at the trial of Katherine and Machine Gun Kelly that the redoubtable machine gunner had paced the floor in a one-night hide-out, sobbing:

"I would not have this Federal heat on me for a million dollars. I was making fifty grand a year knocking over tin-can banks, with no heat on me, and now look at me! Nowhere to turn without hearing one of those damned Federal agents!" He turned into the muzzle of a Federal agent's gun at Memphis.

There may be more gang kidnappings, but not many more. It is possible that The Snatch may return to the underworld life from whence it sprang. There is still plenty of underworld left, but it is unlikely that kidnapping will thrive within it. There is now a public opinion against permitting it to fester even there. The Department of Justice, under the latest legislation, is empowered to act in any extortion cases. It stands ready to plunge into the depths and is equipped by law to do so.

The one thing the outlaw fears is the Federal heat.

○